

**Judgment of the General Court of 28 March 2012 —
Rehbein v OHIM — Dias Martinho (OUTBURST)**

(Case T-214/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for registration of the Community figurative mark OUTBURST — Earlier national word mark OUTBURST — Genuine use of the earlier trade mark — Article 43(2) and (3) of Regulation (EC) No 40/94 (now Article 42(2) and (3) of Regulation (EC) No 207/2009) — Production of evidence for the first time before the Board of Appeal — Article 74(2) of Regulation No 40/94 (now Article 76(2) of Regulation No 207/2009) — Rule 22(2) of Regulation (EC) No 2868/95)

(2012/C 138/23)

Language of the case: English

Parties

Applicant: Paul Alfons Rehbein (GmbH & Co.) KG (Glinde, Germany) (represented by: T. Lampel, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis and P. Geroulakos, Agents)

Other parties to the proceedings before the Board of Appeal of OHIM: Hervé Dias Martinho and Manuel Carlos Dias Martinho (Le Plessis-Tréville, France)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 13 March 2008 (Case R 1261/2007-2) concerning opposition proceedings between, on the one hand, Paul Alfons Rehbein (GmbH & Co.) KG and, on the other hand, Hervé Dias Martinho and Manuel Carlos Dias Martinho.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 13 March 2008 (Case R 1261/2007-2);
2. Orders OHIM to pay the costs.

⁽¹⁾ OJ C 197, 2.8.2008.

**Judgment of the General Court of 28 March 2012 —
Berliner Institut für Vergleichende Sozialforschung v
Commission**

(Case T-296/08) ⁽¹⁾

(Aid granted under the INTI programme — Determination of the amount to be paid to the beneficiary — Errors of assessment)

(2012/C 138/24)

Language of the case: German

Parties

Applicant: Berliner Institut für Vergleichende Sozialforschung eV (Berlin, Germany) (represented: initially by U.Claus and subsequently by S. Reichmann and L.-J. Schmidt, lawyers)

Defendant: European Commission (represented: initially by B. Simon, and subsequently S. Grünheid, acting as Agents, assisted by R. Van der Hout, lawyer)

Re:

Application for annulment of the Commission decision of 23 May 2008 on the partial non-recognition of the costs borne by the applicant in connection with the financing arrangement JLS/2004/INTI/077.

Operative part of the judgment

The Court:

1. Annuls the Commission's decision of 23 May 2008 on the partial non-recognition of costs borne by Berliner Institut für Vergleichende Sozialforschung eV in connection with the financing arrangement JLS/2004/INTI/077 as regards expenses relating to headings B 9, B 10, B 37, B 38 and G 5.
2. Orders Berliner Institut für Vergleichende Sozialforschung to pay two thirds of its own costs and two thirds of the costs incurred by the European Commission. The Commission is ordered to pay one third of its own costs and one third of the costs incurred by Berliner Institut für Vergleichende Sozialforschung.

⁽¹⁾ OJ C 247, 27.9.2008.

**Judgment of the General Court of 28 March 2012 — Hipp
v OHIM — Nestlé (Bebio)**

(Case T-41/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark Bebio — Earlier Community word mark and international word mark BEBA — Partial refusal of registration — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 138/25)

Language of the case: English

Parties

Applicant: Hipp & Co. KG (Sachseln, Switzerland) (represented by: M. Kinkeldey and A. Bognár, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Société des produits Nestlé SA (Vevey, Switzerland) (represented: initially by I. Valdelomar Serrano and subsequently by R. Mottola and D. Gabarre Armengol, lawyers)