

Judgment of the General Court of 22 January 2015 — MIP Metro v OHIM — Holsten Brauerei (H)(Case T-193/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — International registration designating the European Community — Figurative mark H — Earlier national figurative mark H — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Failure to state reasons — Article 75 of Regulation No 207/2009)

(2015/C 081/18)

Language of the case: German

Parties

Applicant: MIP Metro Group Intellectual Property GmbH & Co. KG (Düsseldorf, Germany) (represented by: J.-C. Plate and R. Kaase, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Holsten-Brauerei AG (Hamburg, Germany) (represented by: N. Hebeis and R. Douglas, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 23 February 2012 (Case R 2340/2010-1), relating to opposition proceedings between Holsten-Brauerei AG and MIP Metro Group Intellectual Property GmbH & Co. KG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders MIP Metro Group Intellectual Property GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 194, 30.6.2012.

Judgment of the General Court of 22 January 2015 — Tsujimoto v OHIM — Kenzo (KENZO)(Case T-393/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark KENZO — Earlier Community word mark KENZO — Relative ground for refusal — Reputation — Article 8(5) of Regulation (EC) No 207/2009 — Duty to state reasons — Article 75 of Regulation No 207/2009 — Late submission of documents — Discretion of the Board of Appeal — Article 76(2) of Regulation No 207/2009)

(2015/C 081/19)

Language of the case: English

Parties

Applicant: Kenzo Tsujimoto (Osaka, Japan) (represented by: A. Wenninger-Lenz, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Kenzo (Paris, France) (represented by P. Roncaglia, G. Lazzeretti and N. Parrotta, lawyers)