

Judgment of the General Court of 8 September 2015 — Gold Crest v OHIM (MIGHTY BRIGHT)**(Case T-714/13) ⁽¹⁾*****(Community trade mark — Application for the Community word mark MIGHTY BRIGHT — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)***

(2015/C 346/28)

*Language of the case: English***Parties***Applicant:* Gold Crest LLC (Goleta, United States) (represented by: P. Rath and W. Festl-Wietek, lawyers)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Bonne, acting as Agent)**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 8 October 2013 (Case R 2038/2012-2) concerning an application for registration of the word sign MIGHTY BRIGHT as a Community trade mark.

Operative part of the judgment*The Court:*

1. *Dismisses the action;*
2. *Orders Gold Crest LLC to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).*

⁽¹⁾ OJ C 61, 1.3.2014.

Judgment of the General Court of 9 September 2015 — Pérez Gutiérrez v Commission**(Case T-168/14) ⁽¹⁾*****(Non-contractual liability — Public health — Directive 2011/37/EC — Manufacture, presentation and sale of tobacco products — Colour photographs proposed by the Commission as health warnings to appear on tobacco packages — Decision 2003/641/EC — Unauthorised use of the image of a deceased person — Harm suffered personally by the widow of the deceased person)***

(2015/C 346/29)

*Language of the case: Spanish***Parties***Applicant:* Ana Pérez Gutiérrez (Mataró, Spain) (represented by: J. Soler Puebla, lawyer)*Defendant:* European Commission (represented by: J. Baquero Cruz and C. Cattabriga, acting as Agents)