

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)

Re:

Action for damages seeking, firstly, compensation for the harm allegedly suffered by the applicant as a consequence of the unauthorised use of her late husband's picture among the photographs proposed by the Commission for the health warnings to be shown on tobacco packages pursuant to the first subparagraph of Article 5(3) of Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ 2001 L 194, p. 26) and Commission Decision 2003/641/EC of 5 September 2003 on the use of colour photographs or other illustrations as health warnings on tobacco packages (OJ 2003 L 226, p. 24) and, secondly, the withdrawal of her late husband's picture and a prohibition on its use within the European Union.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Ms Ana Pérez Gutiérrez to pay the costs.*

⁽¹⁾ OJ C 135, 5.5.2014.

Judgment of the General Court of 3 September 2015 — iNET24 Holding v OHIM (IDIRECT24)

(Case T-225/14) ⁽¹⁾

(Community trade mark — International registration designating the European Community — Word mark IDIRECT24 — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Obligation to state reasons — Article 75 of Regulation No 207/2009)

(2015/C 346/30)

Language of the case: German

Parties

Applicant: iNET24 Holding AG (Feusisberg, Switzerland) (represented by: S. Kirschstein-Freund, B. Breitingger and V. Dalichau, lawyers)

Defendant: Office for Harmonisation in the Internal Market (trade marks and designs) (represented by: initially by A. Pohlmann and S. Hanne, acting as Agents)

Re:

Action brought against the decision of the Fifth Board of Appeal of OHIM of 4 February 2014 (Case R 1867/2013-5), concerning the international registration designating the European Community of word mark IDIRECT24.