

- 2) Orders OHIM to bear its own costs and to pay the costs incurred by Cezar Przedsiębiorstwo Produkcyjne Dariusz Bogdan Niewiński;
- 3) Orders Poli-Eco Tworzywa Sztuczne sp. z o.o. to bear its own costs.

<sup>(1)</sup> OJ C 101, 6.4.2013.

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**Judgment of the General Court of 8 October 2014 — Laboratoires Polive v OHIM — Arbora & Ausonia (DODIE)**

(Case T-77/13) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for Community word mark DODIE — Earlier national word mark DODOT — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Power to alter decisions)**

(2014/C 409/51)

Language of the case: English

**Parties**

*Applicant:* Laboratoires Polive (Levallois-Perret, France) (represented by: A. Sion, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Arbora & Ausonia, SLU (Barcelona, Spain) (represented by: R. Guerras Mazón, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 31 October 2012 (Case R 1949/2011-2) relating to opposition proceedings between Arbora & Ausonia, SLU and Laboratoires Polive.

**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 31 October 2012 (Case R 1949/2011-2);
2. Dismisses the action as to the remainder;
3. Orders OHIM to bear its own costs and to pay those incurred by Laboratoires Polive;
4. Orders Arbora & Ausonia, SLU to bear its own costs.

<sup>(1)</sup> OJ C 108, 13.4.2013.

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**Judgment of the General Court of 8 October 2014 — Laboratoires Polive v OHIM — Arbora & Ausonia (dodie)**

(Cases T-122/13 and T-123/13) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for Community figurative mark dodie — Earlier national word marks DODOT — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2014/C 409/52)

Language of the case: English

**Parties**

*Applicant:* Laboratoires Polive (Levallois-Perret, France) (represented by: A. Sion, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Arbora & Ausonia, SLU (Barcelona, Spain) (represented by: R. Guerras Mazón, lawyer)

**Re:**

Two actions brought against two decisions of the Second Board of Appeal of OHIM of 28 November 2012 (Cases R 2324/2011-2 and R 2325/2011-2, respectively) relating to two sets of opposition proceedings between Arbora & Ausonia, SLU and Laboratoires Polive.

**Operative part of the judgment**

*The Court:*

1. Joins Cases T-122/13 and T-123/13 for the purposes of the judgment;
2. Annuls the decisions of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 28 November 2012 (Cases R 2324/2011-2 and R 2325/2011-2);
3. Orders OHIM to bear its own costs and to pay those incurred by Laboratoires Polive;
4. Orders Arbora & Ausonia, SLU to bear its own costs.

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<sup>(1)</sup> OJ C 123, 27.4.2013.

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**Order of the General Court of 17 September 2014 — ATC and Others v Commission**

(Case T-333/10) <sup>(1)</sup>

**(Non-contractual liability — Importation of birds — Agreement on the quantified amounts of the award of compensation for the damages suffered — No need to adjudicate)**

(2014/C 409/53)

*Language of the case: Dutch*

**Parties**

*Applicants:* Animal Trading Company (ATC) BV (Loon op Zand, Netherlands); Avicentra NV (Malle, Belgium); Borgstein Birds and Zoofood Trading VOF (Wamel, Netherlands); Bird Trading Company Van der Stappen BV (Dongen, Netherlands); New Little Bird's srl (Anagni, Italy); Vogelhuis Kloeg (Zevenbergen, Netherlands) and Giovanni Pistone (Westerlo, Belgium) (represented by: M. Osse and J. Houdijk, lawyers)

*Defendant:* European Commission (represented initially by F. Jimeno Fernández and B. Burggraaf, and subsequently by F. Jimeno Fernández and H. Kranenborg, acting as Agents)

**Re:**

Action for compensation in respect of the harm allegedly suffered by the applicants as a result of the adoption first, of Commission Decision 2005/760/EC of 27 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds (OJ 2005 L 285, p. 60), as extended, and of Commission Regulation (EC) No 318/2007 of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof (OJ 2007 L 84, p. 7).

**Operative part of the order**

1. *There is no longer any need to adjudicate on the present action.*