

Judgment of the General Court of 24 March 2010 — 2nine v OHIM — Pacific Sunwear of California (nollie)

(Case T-364/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark nollie — Earlier national and international word marks NOLI — Relative ground for refusal — No similarity between the goods — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Article 74(1) of Regulation No 40/94 (now Article 76(1) of Regulation No 207/2009))

(2010/C 134/53)

Language of the case: English

Parties

Applicant: 2nine Ltd (London, United Kingdom) (represented by: S. Palmer, Solicitor)

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

Other party to the proceedings before the Board of Appeal of OHIM: Pacific Sunwear of California, Inc. (Anaheim, California, United States)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 16 June 2008 (Case R 1591/2007-2), relating to opposition proceedings between 2nine Ltd and Pacific Sunwear of California, Inc.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders 2nine Ltd 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 272, 25.10.2008.

Judgment of the General Court of 24 March 2010 — Inter-Nett 2000 v OHIM — Unión de Agricultores (HUNAGRO)

(Case T-423/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark HUNAGRO — Earlier Community figurative mark UNIAGRO — Partial refusal to register — Relative grounds for refusal — Likelihood of confusion — Article 8(1)(b) and Article 12 (a) and (b) of Regulation (EC) No 40/94 (now Article 8(1)(b) and Article 12 (a) and (b) of Regulation (EC) No 207/2009))

(2010/C 134/54)

Language of the case: Hungarian

Parties

Applicant: Inter-Nett 2000 Kereskedelmi és Szolgáltató kft (Inter-Nett 2000 kft) (Mór, Hungary) (represented by: E. Petruska, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially P. Sipos, subsequently P. Sipos and O. Montalto, Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Unión de Agricultores, SA (El Ejido, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 22 July 2008 (Case R 71/2008-2) relating to opposition proceedings between Unión de Agricultores, SA and Inter-Nett 2000 Kereskedelmi és Szolgáltató kft.

Operative part of the judgment

The Court:

1. *Dismisses the action.*
2. *Orders Inter-Nett 2000 Kereskedelmi és Szolgáltató kft (Inter-Nett 2000 kft) to pay the costs.*

⁽¹⁾ OJ C 313 of 6.12.2008.