

**Judgment of the General Court of 6 October 2011 —
Industrias Francisco Ivars v OHIM — Motive (Mechanical
speed reducer)**

(Case T-246/10) ⁽¹⁾

**(Community design — Invalidity proceedings — Registered
Community design representing a mechanical speed reducer
— Earlier Community design — Ground of invalidity —
No individual character — Article 6 and Article 25(1)(b) of
Regulation (EC) No 6/2002)**

(2011/C 340/37)

Language of the case: Spanish

Parties

Applicant: Industrias Francisco Ivars, SL (Xeraco, Spain) (represented by: E. Caballero Oliver and A. Sanz-Bermell y Martínez, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Motive Srl (Montirone, Italy) (represented by: I. Valdelomar Serrano and J. Mora Granell, lawyers)

Re:

Action brought against the decision of the Third Board of Appeal of OHIM of 16 March 2010 (Case R 1337/2008-3) relating to invalidity proceedings between Motive Srl and Industrias Francisco Ivars, SL.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Industrias Francisco Ivars, SL to pay the costs.

⁽¹⁾ OJ C 195, 17.7.2010.

**Judgment of the General Court of 6 October 2011 — medi
v OHIM — Deutsche Medien Center (deutschemedi.de)**

(Case T-247/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark deutschemedi.de — Earlier Community word mark World of medi, earlier national figurative and word marks medi.eu, medi welt, medi-Verband and medi, and earlier trading name and company name medi — Relative ground for refusal — Likelihood of confusion — Article 8(1) of Regulation (EC) No 207/2009)

(2011/C 340/38)

Language of the case: German

Parties

Applicant: medi GmbH & Co. KG (Bayreuth, Germany) (represented by: H. Lindner, D. Terheggen and T. Kiphuth, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Deutsche Medien Center GmbH (Dortmund, Germany)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 16 March 2010 (Case R 1336/2008-4) relating to opposition proceedings between Weihermüller & Voigtmann GmbH & Co. KG and Deutsche Medi Präventions GmbH.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 16 March 2010 (Case R 1336/2008-4);
2. Orders OHIM to bear, in addition to its own costs, the costs of Medi GmbH & Co. KG;
3. Orders Deutsche Medien Center GmbH to bear its own costs.

⁽¹⁾ OJ C 209, 31.7.2010.

**Judgment of the General Court of 5 October 2011 —
Cooperativa Vitivinícola Arousana v OHIM — Sotelo
Ares (ROSALIA DE CASTRO)**

(Case T-421/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark ROSALIA DE CASTRO — Earlier national word mark ROSALIA — Relative ground for refusal — Likelihood of confusion — Similarity of the goods — Assessment of the conceptual similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 340/39)

Language of the case: Spanish

Parties

Applicant: Cooperativa Vitivinícola Arousana, S. Coop. Galega (Meaño, Spain) (represented by: E. Sánchez-Quiñones González, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: María Constantina Sotelo Ares (Cambados, Spain) (represented by: C. Lema Devesa, lawyer)