

Action brought on 19 September 2013 — Alpinestars Research v OHIM — Tung Cho et Wang Yu (A ASTER)**(Case T-521/13)**

(2013/C 352/37)

*Language in which the application was lodged: English***Parties**

Applicant: Alpinestars Research Srl (Coste di Maser, Italy) (represented by: G. Dragotti and R. Valenti, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other parties to the proceedings before the Board of Appeal: Kean Tung Cho (Taichung City, Taiwan); and Ling-Yuan Wang Yu (Wuci Township, Taiwan)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 July 2013 given in Case R 2309/2012-4;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The other parties to the proceedings before the Board of Appeal

Community trade mark concerned: The figurative mark in black and white containing the verbal elements 'A ASTER' for goods in Classes 18 and 25 — Community trade mark application No 7 084 395

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: The word mark 'A-STARs' for goods in Classes 9, 12, 14, 18, 25 and 28 — Community trade mark No 6 181 002

Decision of the Opposition Division: Rejected the opposition in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8(1)(b) CTMR.

Action brought on 26 September 2013 — Tsujimoto v OHIM — Kenzo (KENZO ESTATE)**(Case T-522/13)**

(2013/C 352/38)

*Language in which the application was lodged: English***Parties**

Applicant: Kenzo Tsujimoto (Osaka, Japan) (represented by: A. Wenninger-Lenz, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Kenzo, SA (Paris, France)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 3 July 2013 given in Case R 1363/2012-2;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'KENZO ESTATE' for goods and services in Classes 29, 30, 31, 35, 41 and 43 — International Registration No W 1 016 724

Proprietor of the mark or sign cited in the opposition proceedings: The other party to the proceedings before the Board of Appeal

Mark or sign cited in opposition: The word mark 'KENZO' for goods in Classes 3, 18 and 25 — Community trade mark No 720 706

Decision of the Opposition Division: Rejected the opposition

Decision of the Board of Appeal: Upheld the appeal in part

Pleas in law: Infringement of Article 8(5) CTMR.