

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant.

Community trade mark concerned: The word mark 'BUDWEISER' for goods and services in Class 32 (application No 24 646).

Proprietor of the mark or sign cited in the opposition proceedings: Budějovický Budvar, národní podnik.

Mark or sign cited in opposition: The international word mark 'BUDWEISER' for goods in Class 32, the international figurative mark 'Budweiser Budvar' for goods in Classes 31 and 32 and the international figurative mark 'Budweiser Budvar' for goods in Class 32.

Decision of the Opposition Division: Opposition upheld and application for registration rejected.

Decision of the Board of Appeal: Appeal dismissed.

Pleas in law: Infringement of the right to be heard, incorrect application of Article 74(2) of Regulation (EC) No 40/94 ⁽¹⁾ and infringement of Article 43(2) of that regulation; in the alternative, infringement of Article 73 of that regulation on account of an inadequate statement of reasons.

⁽¹⁾ Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).

Action brought on 6 June 2007 — Agencja Wydawnicza Technopol v OHIM (222)

(Case T-200/07)

(2007/C 183/68)

Language of the case: Polish

Parties

Applicant: Agencja Wydawnicza 'Technopol' Sp. z o. o. (represented by D. Rzażewska, lawyer)

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

Form of order sought

— annul in its entirety the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal

Market (Trade Marks and Designs) of 22 March 2007 in Case R 1276/2006-4;

— order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: word mark '222' for goods in Class 16

Decision of the Examiner: registration refused

Decision of the Board of Appeal: appeal dismissed

Pleas in law: incorrect application of Article 7(1)(b) and (c) of Regulation No 40/94 on the Community trade mark ⁽¹⁾, in that, according to the applicant, the designation '222' is neither descriptive nor non-distinctive for the goods referred to.

⁽¹⁾ Council Regulation (EC) No 40/94 of 20 December 1993, OJ L 11, 14.1.1994, p. 1.

Action brought on 6 June 2007 — Agencja Wydawnicza Technopol v OHIM ('333')

(Case T-201/07)

(2007/C 183/69)

Language of the case: Polish

Parties

Applicant: Agencja Wydawnicza 'Technopol' Sp. z o. o. (represented by D. Rzażewska, lawyer)

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

Form of order sought

— set aside in its entirety the decision delivered on 22 March 2007 by the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) in Case No R 1277/2006-4;

— order the defendant to pay the costs of the proceedings.