

**Form of order sought**

- declare that the present application and the annexes thereto are admissible;
- annul the decision of the Board of Appeal (points 1, 2 and 3 of the operative part) in so far as it annuls the contested decision, rejects the application for registration in respect of all the goods in question and orders the applicant to pay the costs incurred by the opposing party in the opposition proceedings and the appeal;
- order OHIM to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Calzaturificio Frau

*Community trade mark concerned:* The figurative mark consisting of a black arch sloping to the right (application for registration No 3.388.097) for goods in Classes 18 and 25.

*Proprietor of the mark or sign cited in the opposition proceedings:* Camper S.L.

*Mark or sign cited in opposition:* Spanish national three-dimensional trade mark in the form of a shoe for goods in Class 25, a number of English national figurative trade marks representing, in various forms, sloping arches for goods in Class 25 and two figurative Community trade marks also in the shape of an arch for goods in Class 18.

*Decision of the Opposition Division:* partial rejection of the opposition.

*Decision of the Board of Appeal:* annulment of the contested decision and refusal of the application for registration.

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 40/94 on the Community trade mark and of Article 73 of that regulation.

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**Action brought on 14 August 2007 — Hansgrohe v OHIM (AIRSHOWER)**

**(Case T-307/07)**

(2007/C 235/44)

*Language of the case:* German

**Parties**

*Applicant:* Hansgrohe AG (Schiltach, Germany) (represented by S. Weidert and J. Zehnsdorf, lawyers)

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

**Form of order sought**

- Annul the decision of the Office for Harmonisation in the Internal Market of 31 May 2007 in Appeal No R 1281/2006-1 concerning trade mark Application No 4 869 319;
- Order the Office for Harmonisation in the Internal Market to pay the costs of the proceedings.

**Pleas in law and main arguments**

*Community trade mark concerned:* the word mark 'AIRSHOWER' for goods in class 11 (Application No 4 869 319).

*Decision of the Examiner:* partial rejection of the Application.

*Decision of the Board of Appeal:* dismissal of the Appeal.

*Pleas in law:* Infringement of Article 7(1)(b) and (c) of Regulation (EC) No 40/94 <sup>(1)</sup>, because the sign applied for is of a distinctive character and is not descriptive.

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

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**Action brought on 15 August 2007 — Kingdom of the Netherlands v Commission of the European Communities**

**(Case T-309/07)**

(2007/C 235/45)

*Language of the case:* Dutch

**Parties**

*Applicant:* Kingdom of the Netherlands (represented by C. Wissels, M. de Grave and Y de Vries, as Agents)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annul Decision 2007/395 insofar as it is based on the Commission's view that it is necessary for the Commission to approve under Article 95(6) EC the maintenance of the Netherlands rules relating to the use of short-chain chlorinated paraffins that are not listed in Directive 2002/45;
- Order the Commission to pay the costs.