

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Acteon SARL (Saint-Tropez, France)

### Form of order sought

- Annul, in part, the decision of the Second Board of Appeal of 29 May 2007 (Case R 1031/2006-2);
- Order OHMI to pay the costs.

### Pleas in law and main arguments

*Applicant for a Community trade mark:* Offshore Legends

*Community trade mark concerned:* The figurative mark 'Offshore Legends', in black and white, for goods in classes 3, 9, 14, 18, 20, 24, 25, 28 and 35 — Application No 3 160 231

*Proprietor of the mark or sign cited in the opposition proceedings:* Acteon SARL

*Mark or sign cited in opposition:* National and international figurative mark 'Offshore One' for products in classes 16, 18 and 25

*Decision of the Opposition Division:* The opposition is rejected in respect of the entirety of the contested goods

*Decision of the Board of Appeal:* Partial annulment of the decision of the opposition division, to the extent that it rejected the opposition in respect of the products in classes 18 and 25

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 40/94 <sup>(1)</sup>, to the extent that the Board of Appeal erred in its assessment of the risk of confusion and, in particular, erred with regard to the assessment of the similarity of the trade marks in question.

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

**Action brought on 9 August 2007 — Offshore Legends v OHIM — Acteon (OFFSHORE LEGENDS (in blue, black, green))**

**(Case T-306/07)**

(2007/C 269/88)

*Language in which the application was lodged: French*

### Parties

*Applicant:* Offshore Legends NV (Nevele, Belgium) (represented by: P. Mayaert and N. Clarembeaux, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Acteon SARL (Saint-Tropez, France)

### Form of order sought

- Annul, in part, the decision of the Second Board of Appeal of 29 May 2007 (Case R 1038/2006-2);
- Order OHMI to pay the costs.

### Pleas in law and main arguments

*Applicant for a Community trade mark:* Offshore Legends

*Community trade mark concerned:* The figurative mark 'Offshore Legends' in blue, black and green, for goods in classes 3, 9, 14, 18, 20, 24, 25, 28 and 35 — Application No 2 997 021

*Proprietor of the mark or sign cited in the opposition proceedings:* Acteon SARL

*Mark or sign cited in opposition:* National and international figurative mark 'Offshore One' for goods in classes 16, 18 and 25

*Decision of the Opposition Division:* The opposition is rejected in respect of the entirety of the contested goods

*Decision of the Board of Appeal:* Partial annulment of the decision of the opposition division, to the extent that it rejected the opposition in respect of the goods in classes 18 and 25

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 40/94 <sup>(1)</sup>, to the extent that the Board of Appeal erred in its assessment of the risk of confusion and, in particular, erred with regard to the assessment of the similarity of the trade marks in question.

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

**Action brought on 16 August 2007 — Tegebauer v Parliament**

**(Case T-308/07)**

(2007/C 269/89)

*Language of the case: German*

### Parties

*Applicant:* Ingo-Jens Tegebauer (Trier, Germany) (represented by: R. Nieporte, lawyer)

*Defendant:* European Parliament