

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

Other party to the proceedings before the Board of Appeal of OHIM: Redrock Construction s.r.o. (Prague, Czech Republic)

Form of order sought

- Annul the defendant's decision of 18 February 2008 in Case R 506/2007-4;
- order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Redrock Construction s.r.o

Community trade mark concerned: Figurative mark 'REDROCK' for goods and services in classes 1, 2, 17, 19, 36 and 37 (application No 3 866 365).

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

Mark or sign cited in opposition: German word mark 'Rock' for goods and services in classes 1, 6-8, 17, 19, 37 and 42 (No 302 29 274); the opposition concerns registration in all classes with the exception of class 36.

Decision of the Opposition Division: Opposition allowed and application refused in part.

Decision of the Board of Appeal: Contested decision annulled and opposition rejected.

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 40/94 ⁽¹⁾, as there is a likelihood of confusion, or at least a likelihood of association, between the opposing marks.

⁽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 21 April 2008 — REWE-Zentral v OHIM — Aldi Einkauf (Clina)

(Case T-150/08)

(2008/C 158/33)

Language in which the application was lodged: German

Parties

Applicant: REWE-Zentral AG (Cologne, Germany) (represented by: M. Kinkeldey, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Aldi Einkauf GmbH & Co. OHG (Essen, Germany)

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 February 2008 in Case R 1484/2006-4;
- Order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: the word mark 'Clina' for goods in Classes 3 and 21 (Application No 3 921 079)

Proprietor of the mark or sign cited in the opposition proceedings: Aldi Einkauf GmbH & Co. OHG

Mark or sign cited in opposition: the word mark 'CLINAIR' for goods in Classes 3 and 5 (Community trade mark No 1 769 850)

Decision of the Opposition Division: Rejection of the opposition

Decision of the Board of Appeal: Annulment of the Opposition Division's decision and rejection of the trade mark application

Pleas in law: Infringement of Article 8(1) of Regulation (EC) No 40/94 ⁽¹⁾ as there is no likelihood of confusion between the opposing marks.

⁽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 21 April 2008 — Kido Industrial v OHIM — Amberes (SCORPIONEXO)

(Case T-152/08)

(2008/C 158/34)

Language in which the application was lodged: Spanish

Parties

Applicant: Kido Industrial Ltd (Seoul, Republic of Korea) (represented by: M. Mall, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Amberes, SA