

Action brought on 28 April 2008 — Paroc v OHIM — (INSULATE FOR LIFE)

(Case T-157/08)

(2008/C 171/76)

Language in which the application was lodged: English

Parties

Applicant: Paroc Oy/AB (Vantaa, Finland) (represented by: J. Palm, lawyer)

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

Form of order sought

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 21 February 2008 in case R 0054/2008-2; and
- order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'INSULATE FOR LIFE' for goods and services in classes 6, 17, 19 and 37 — application No 593 2827

Decision of the examiner: Refusal of the application for all goods and services

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of Article 7(1)(b) of Council Regulation No 40/94 as the mark acquired the minimum degree of distinctiveness required to be registered.

Action brought on 2 May 2008 — Procter & Gamble v OHIM — Bayer (LIVENSA)

(Case T-159/08)

(2008/C 171/77)

Language in which the application was lodged: English

Parties

Applicant: The Procter & Gamble Company (Cincinnati, United States) (represented by: K. Sandberg, lawyer)

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

Other party to the proceedings before the Board of Appeal: Bayer AG (Leverkusen, Germany)

Form of order sought

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 February 2008 in case R 960/2007-2;
- reject the opposition No B 873 978 dated 3 May 2007;
- order OHIM to bear the costs of the proceedings; and
- order the other party to the proceedings before the Board of Appeal to bear the costs of the proceedings before OHIM.

Pleas in law and main arguments

Applicant for the Community trade mark: The applicant

Community trade mark concerned: The word mark 'LIVENSA' for goods in class 5 — application No 004 062 725

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: The Community trade mark 'LYVELSA' for goods in class 5

Decision of the Opposition Division: Rejection of the trade mark application in its entirety

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of Article 8(1)(b) of Council Regulation No 40/94 as there is no likelihood of confusion between the two trade marks subject to comparison.

Action brought on 29 April 2008 — Frag Comercio Internacional v OHIM — Tinkerbelle Modas (GREEN by missako)

(Case T-162/08)

(2008/C 171/78)

Language in which the application was lodged: English

Parties

Applicant: Frag Comercio Internacional, SL (Esparraguera, Spain) (represented by: E. Sugañes, lawyer)

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

Other party to the proceedings before the Board of Appeal: Tinkerbelle Modas, Ltda (São Paulo, Brazil)