

Action brought on 28 July 2009 — IG Communications v OHIM — Citicorp and Citibank (CITIGATE)

(Case T-301/09)

(2009/C 244/15)

Language in which the application was lodged: English

Parties

Applicants: IG Communications Ltd (London, United Kingdom) (represented by: R. Beard, Solicitor and M. Edenborough, Barrister)

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

Other party to the proceedings before the Board of Appeal: Citicorp and Citibank, N.A. (New York, United States)

Form of order sought

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 30 April 2009 in case R 821/2005-1 in its entirety, or alternatively in part; and

— Award the applicant the costs incurred in connection with this appeal before the Court of First Instance.

Pleas in law and main arguments

Applicant for the Community trade mark: The applicant

Community trade mark concerned: The word mark 'CITIGATE', for goods and services in classes 9, 16, 35 and 42

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: German trade mark registration of the word mark 'CITI' for services in class 36; Community trade mark application of the figurative mark 'citi' for goods and services in classes 9, 16 and 36; Community trade mark registration of the word mark 'CITICORP' for goods and services in classes 9, 16 and 36; Community trade mark registration of the word mark 'CITIGROUP' for goods and services in classes 9, 16 and 36; Community trade mark registration of the word mark 'CITIBOND' for goods and services in classes 16, 36 and 38; Community trade mark registration of the word mark 'CITIEQUITY' for goods and services in classes 16, 36 and 42; Community trade mark registration of the word

mark 'CITIGARANT' for goods and services in classes 16, 35, 36 and 42; Community trade mark registration of the word mark 'CITIBANK' for goods and services in classes 9, 16 and 36; Community trade mark registration of the word mark 'CITICARD' for goods and services in classes 9, 16 and 36; Community trade mark registration of the word mark 'CITIGOLD' for goods and services in classes 9, 16 and 36; German trade mark registration of the word mark 'CITIBANK' for services in class 36; United Kingdom trade mark registration of the word mark 'CITIBANK' for services in class 36; Community trade mark registration of the word mark 'THE CITI NEVER SLEEPS' for goods and services in classes 9, 16 and 36.

Decision of the Opposition Division: Rejected the opposition

Decision of the Board of Appeal: Annulled the contested decision and rejected the Community trade mark applied for

Pleas in law: Infringement of Article 8(1)(b) Council Regulation 207/2009 as the Board of Appeal wrongly held that there was a family of earlier trade marks and, as a consequence, that there was a likelihood of confusion between the trade marks concerned; Infringement of Article 8(5) Council Regulation 207/2009 as the Board of Appeal wrongly held that there was a family of earlier trade marks and, as a consequence, that there was a conflict between the trade marks concerned.

Action brought on 30 July 2009 — CNIPT v Commission

(Case T-302/09)

(2009/C 244/16)

Language of the case: French

Parties

Applicant: Comité national interprofessionnel de la pomme de terre (CNIPT) (Paris, France) (represented by: V. Ledoux and B. Néouze, lawyers)

Defendant: Commission of the European Communities

Form of order sought

— annul the contested decision in its entirety;

— order the Commission to pay the costs.