

**Form of order sought**

— Vary the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market of 26 June 2009 (Case R 1465/2008-1) so that it annuls the decision of the Office for Harmonisation in opposition procedure B 1 134 651 and grants the Community trade mark application No 5 243 209 for the contested goods;

— Order OHIM to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* the applicant

*Community trade mark concerned:* the figurative mark 'GOLD MEISTER' in respect of goods and services in Classes 3, 14, 16, 35, 37, 40 and 42 (Application No 5 243 209)

*Proprietor of the mark or sign cited in the opposition proceedings:* Meister + Co. AG

*Mark or sign cited in opposition:* the German word mark No 39 534 716 and the Community mark No 2 607 737 'MEISTER' for goods in Class 14, whereas the opposition is directed solely against the registration for goods in that Class

*Decision of the Opposition Division:* Upheld the opposition

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009 <sup>(1)</sup> as there is no likelihood of confusion between the conflicting trade marks.

<sup>(1)</sup> Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1)

**Action brought on 25 September 2009 — El Corte Inglés v OHIM — Pucci International (Emidio Tucci)**

(Case T-373/09)

(2009/C 282/105)

*Language in which the application was lodged:* Spanish

**Parties**

*Applicant:* El Corte Inglés (Madrid, Spain) (represented by: J. Rivas Zurdo, 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:* Emilio Pucci International BV (Amsterdam, Netherlands)

**Form of order sought**

— annul the decision of 18 June 2009 of the Second Board of Appeal of OHIM in Joined Cases 770/2008-2 and 826/2008-2 in so far as, by partially upholding the applicant and the opponent's applications, it rejects the Community mark 3 679 591 with respect to classes 3, 18, 24, 25 and for 'articles for cleaning purposes; steelwool' in class 21;

— allow registration of Community mark No 3 679 591 'EMIDIO TUCCI' in its entirety;

— order the party or parties opposing this application to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* Figurative mark 'EMIDIO TUCCI' (Application No 3 679 594) in handwritten letters for goods and services in classes 1 and 45.

*Proprietor of the mark or sign cited in the opposition proceedings:* EMILIO PUCCI INTERNATIONAL B.V.

*Mark or sign cited in opposition:* Community figurative mark 'EMILIO PUCCI' No 203570 (classes 18 and 24), Italian word marks No 769250 (Classes 3, 14, 18, 21, 24, 25 and 33) and No 274991 (classes 9, 12, 18, 20, 26, 27 and 34) and Italian word mark No 275894 (classes 14, 18, 24 and 25).

*Decision of the Opposition Division:* Opposition partially upheld.

*Decision of the Board of Appeal:* Appeals brought by the applicant and the opponent partially upheld.

*Pleas in law:* Incorrect interpretation of Article 8(1)(b) and 8(5) of Regulation No 207/2009.