

Action brought on 28 September 2009 — Lorenz Shoe Group v OHIM — Fuzhou Fuan Leather Plastics Clothing Making (Ganeder)

(Case T-374/09)

(2009/C 282/106)

Language in which the application was lodged: German

Parties

Applicant: Lorenz Shoe Group AG (Taufkirchen, Austria) (represented by: M. Douglas, 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: Fuzhou Fuan Leather Plastics Clothing Making Co. Ltd (Fujian, People's Republic of China)

Form of order sought

- Annul the decision of the First Board of Appeal of 16 July 2009 in Case R 1289/2008-1;
- Order the Office for Harmonisation in the Internal Market to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Fuzhou Fuan Leather Plastics Clothing Making Co. Ltd

Community trade mark concerned: the word mark 'Ganeder' for goods in Classes 14, 18 and 25 (Application No 5 108 774)

Proprietor of the mark or sign cited in the opposition proceedings: Lorenz Shoe Group AG (formerly shoe fashion group LORENZ AG)

Mark or sign cited in opposition: The word mark 'Ganter' for goods in Class 25 (Community trade mark No 469 262), in respect of opposition only to the registration for goods in that class

Decision of the Opposition Division: Dismissal of the opposition

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009⁽¹⁾, since there is a likelihood of confusion between the trade marks at issue.

⁽¹⁾ 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 — Glenton España v OHIM — Polo/Lauren (POLO SANTA MARIA)

(Case T-376/09)

(2009/C 282/107)

Language in which the application was lodged: English

Parties

Applicant: Glenton España, SA (Madrid, Spain) (represented by: E. Armijo Chávarri and A. Castán Pérez-Gómez, lawyers)

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

Other party to the proceedings before the Board of Appeal: The Polo/Lauren Company L.P. (New York, United States)

Form of order sought

- Admit the application;
- Overturn the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 18 June 2009 in case R 594/2008-2;
- Order the defendant to bear the costs.

Pleas in law and main arguments

Applicant for the Community trade mark: The applicant

Community trade mark concerned: The figurative mark "POLO SANTA MARIA", for goods and services in classes 18, 25, 36, 41 and 43

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: Benelux trade mark registration of the figurative mark "device of a silhouette of a polo player" for goods in classes 18 and 25