

**Action brought on 20 January 2010 — Klaus Goutier v OHIM — Rauch (ARANTAX)****(Case T-13/10)**

(2010/C 80/58)

*Language in which the application was lodged: German***Parties***Applicant:* Klaus Goutier (Frankfurt am Main, Germany) (represented by: E.E. Happe, 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:* Norbert Rauch (Herzogenaurach, Germany)**Form of order sought**

— Annulment of the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 November 2009 (in Case R 1769/2008-4) in so far as the application for a Community mark annulling the contested decision was rejected for the following services:

— Class 35 — Tax consultancy, tax preparation, accounting, auditing, professional business consultancy, business consultancy;

— Class 36 — Fiscal assessments, mergers and acquisitions, namely financial consultancy with regard to the purchase or sale of companies and company shares, financial management;

— Class 43 — Provision of legal services, legal research;

— Order the defendant to pay the costs.

**Pleas in law and main arguments***Applicant for a Community trade mark:* Klaus Goutier*Community trade mark concerned:* the word mark 'ARANTAX' for services in Classes 35, 36 and 42 (Application No 4 823 084)*Proprietor of the mark or sign cited in the opposition proceedings:* Norbert Rauch*Mark or sign cited in opposition:* the German word mark 'atarax' No 30 168 707 for goods and services in Classes 9, 35, 37, 41 and 42*Decision of the Opposition Division:* Rejected the opposition*Decision of the Board of Appeal:* Partial annulment of the Opposition Division's decision and partial rejection of the Community trade mark application*Pleas in law:* Infringement of Article 8(1)(b) of Council Regulation No 207/2009, <sup>(1)</sup> owing to the absence of likelihood of confusion of the marks at issue

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<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 18 January 2010 — CheckMobile v OHIM (carcheck)****(Case T-14/10)**

(2010/C 80/59)

*Language in which the application was lodged: German***Parties***Applicant:* CheckMobile GmbH — The Process Solution Company (Hamburg, Germany) (represented by K. Lodigkeit, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)**Form of order sought**

— Annul the decision of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (Fourth Board of Appeal) of 18. November 2009 (Case R 595/2009-4), in so far as it dismissed the application for registration of 'carcheck' in accordance with Article 7(1)(c) of Regulation No 40/94,