

Action brought on 11 May 2010 — Rautaruukki Oyj v OHIM — Manuel Vigil Pérez (MONTERREY)

(Case T-217/10)

(2010/C 195/40)

Language in which the application was lodged: English

Parties

Applicant: Rautaruukki Oyj (Helsinki, Finland) (represented by: J. Tanhuanpää, lawyer)

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

Other party to the proceedings before the Board of Appeal: Manuel Vigil Pérez (Madrid, Spain)

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 24 February 2010 in case R 1001/2009-2;
- Dismiss the decision of the Opposition Division No B 1173707 in its entirety;
- Allow registration of the applicant's mark 'MONTERREY' for all the goods in classes 6 and 19 according to applicant's Community trademark application No 5276936;
- Order the defendant to bear the costs incurred in these proceedings as well as those incurred before the Board of Appeal; and
- Order the other party to the proceedings before the Board of Appeal to pay the costs of the proceedings, including those incurred by the applicant before the Board of Appeal, should it become an intervening party in this case.

Pleas in law and main arguments

Applicant for the Community trade mark: The applicant

Community trade mark concerned: The word mark 'MONTERREY', for goods and services in classes 6, 19 and 37

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: Spanish trade mark registration No 1695663 of the figurative mark 'MONTERREY', for services in class 37; Spanish trade mark registration No 1695662 of the figurative mark 'MONTERREY', for services in class 36

Decision of the Opposition Division: Upheld the opposition partially

Decision of the Board of Appeal: Dismissed the appeal partially

Pleas in law:

The applicant advances three pleas in law in support of its application.

On the basis of its first plea, the applicant claims that the contested decision infringes Article 8(1)(b) of Council Regulation No 207/2009, as the Board of Appeal wrongly assessed the similarity of the goods and services.

By its second plea, the applicant considers that the contested decision infringes Rule 99 of Commission Regulation No 2868/95 implementing Council Regulation No 40/94, as the Board of Appeal incorrectly assumed that the translation of an earlier right corresponded to the relevant original.

By its third plea, the applicant claims that the contested decision infringes the principles of the protection of legitimate expectations, equal treatment and legality.

Action brought on 12 May 2010 — DHL International v OHIM — Service Point Solutions (SERVICEPOINT)

(Case T-218/10)

(2010/C 195/41)

Language in which the application was lodged: German

Parties

Applicant: DHL International GmbH (Bonn, Germany) (represented by: K.-U. Jonas, 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: Service Point Solutions, SA (Barcelona, Spain)