

Form of order sought

- annul the contested decision and, accordingly, dismiss the opposition brought by MOTIVE S.r.l., and declare that the grant of Community Design No 000625702-001 for 'reducers' is well founded;
- order OHIM to pay the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: Community Design No 625702-0001 for Reducers in Class 15/01 (Motors).

Proprietor of the Community trade mark: Industrias Francisco Ivars, SL

Applicant for the declaration of invalidity: Motive S.r.l.

Trade mark right of applicant for the declaration: Community Design No 73952-0001

Decision of the Cancellation Division: Dismissal of the application for a declaration of invalidity

Decision of the Board of Appeal: Annulment of the decision of the Cancellation Division and declaration of invalidity of the Community design concerned.

Pleas in law: Incorrect interpretation and application of Articles 4, 5 and 7 of Regulation No 6/2002 on Community designs.

Order of the General Court of 17 May 2010 — France v Commission

(Case T-74/09) ⁽¹⁾

(2010/C 195/52)

Language of the case: French

The President of the Fourth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 102, 1.05.2009.
