

Decision of the Board of Appeal: Dismissal of the appeal.

Pleas in law: Infringement of Article 3 of Council Regulation (EC) No 6/2002 ⁽¹⁾ on Community designs, because the Board of Appeal misinterpreted the provisions of that article concerning definitions and did not take into consideration the fact that a Community design can also consist in the appearance of a part of a product.

⁽¹⁾ Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ 2002 L 3, p. 1).

Action brought on 21 May 2010 — Timehouse v OHIM (Shape of a watch)

(Case T-235/10)

(2010/C 209/67)

Language in which the application was lodged: German

Parties

Applicant: Timehouse GmbH (Eystrup, Germany) (represented by V. Knies, lawyer)

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

Form of order sought

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 March 2010 in case R 0942/2009-1; and

— Order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: A three-dimensional trade mark, representing a watch for goods in Class 14.

Decision of the Examiner: Rejection of the application for registration.

Decision of the Board of Appeal: Dismissal of the appeal.

Pleas in law: Infringement of Article 7(1)(b) and of Council Regulation No 207/2009 ⁽¹⁾, as the trade mark is distinctive.

⁽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 26 May 2010 — Vuitton Malletier v OHMI — Friis Group International (Representation of a lock device)

(Case T-237/10)

(2010/C 209/68)

Language in which the application was lodged: English

Parties

Applicant: Louis Vuitton Malletier SA (Paris, France) (represented by: P. Roncaglia, G. Lazzaretti, M. Boletto and E. Gavuzzi, lawyers)

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

Other party to the proceedings before the Board of Appeal: Friis Group International ApS (Copenhagen, Denmark)

Form of order sought

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 24 February 2010 in case R 1590/2008-1, in so far as it declared the invalidity of Community trade mark No 3693116 for the goods in classes 9, 14 and 18;

— Order the defendant to pay the costs of the proceedings; 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 and the Cancellation Division, should it become an intervening party in this case.

Pleas in law and main arguments

Registered Community trade mark subject of the application for a declaration of invalidity: A figurative mark representing a lock device for goods in classes 9, 14, 18 and 25 — Community trade mark application No 3693116