Pleas in law: Infringement of Council Regulation No 207/2009, as the Board of Appeal misapplied the principle of non-discrimination to the facts of this case; in the alternative, infringement of Articles 7(1)(b) and 7(1)(c) of Council Regulation No 207/2009, as the Board of Appeal erred in its conclusion that the trade mark applied for does not possess sufficient inherent distinctiveness.

Action brought on 25 June 2010 — Milux v OHMI (CHEMOCONTROL)

(Case T-285/10)

(2010/C 234/87)

Language of the case: English

Parties

Applicant: Milux Holding S.A. (Luxembourg, Luxembourg) (represented by: J. Bojs, lawyer)

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

Form of order sought

— Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 29 April 2010 in case R 1444/2009-4;

— Order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'CHEMO-CONTROL' for goods and services in classes 9, 10 and 44

Decision of the examiner: Refused the application for a Community trade mark

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Council Regulation No 207/2009, as the Board of Appeal misapplied the principle of non-discrimination to the facts of this case; in the alternative, infringement of Article 7(1)(b) of Council Regulation No 207/2009, as the Board of Appeal erred in its conclusion that the trade mark applied for does not possess sufficient inherent distinctiveness.

Action brought on 25 June 2010 — Unilever España and Unilever v OHMI — Med Trans G. Poulias-S. Brakatselos (MED FRIGO S.A.)

(Case T-287/10)

(2010/C 234/88)

Language in which the application was lodged: English

Parties

Applicants: Unilever España S.A. and Unilever N.V. (Barcelona, Spain) (represented by: C. Prat, lawyer)

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

Other party to the proceedings before the Board of Appeal: 'Med Trans' G. Poulias-S. Brakatselos A.E. (Patra, Greece)

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 20 April 2010 in case R 1025/2009-2;

— Request the Opposition division of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to continue with the examination of the evidence, evaluating the applicability of Articles 8(1)(b), 8(4) and 8(5) of the CTMR;