

Pleas in law and main arguments

Applicant for a Community trade mark: Caventa AG.

Community trade mark concerned: Word mark 'BERG' for goods in Classes 25 and 28 (Application No 7 115 009).

Proprietor of the mark or sign cited in the opposition proceedings: Anson's Herrenhaus KG.

Mark or sign cited in opposition: Word mark 'Christian Berg' for goods and services in Classes 3, 18, 25 and 35 (Community trade mark No 3 383 676), the opposition being directed against registration for goods in Classes 25 and 28.

Decision of the Opposition Division: Opposition upheld.

Decision of the Board of Appeal: Appeal dismissed.

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009,⁽¹⁾ since there is no likelihood of confusion between the marks in question.

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (Consolidated Version) (OJ 2009 L 78, p. 1).

Action brought on 21 April 2011 — Caventa AG v OHIM — Anson's Herrenhaus (BERG)

(Case T-225/11)

(2011/C 194/29)

Language in which the application was lodged: German

Parties

Applicant(s): Caventa AG (Rekingen, Switzerland) (represented by: J. Krenzel, lawyer)

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

Other party to the proceedings before the Board of Appeal: Anson's Herrenhaus KG (Düsseldorf, Germany)

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 10 February 2011 in Case R 740/2010-1;

— Order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Caventa AG.

Community trade mark concerned: Figurative mark 'BERG' for goods in Classes 25 and 28 (Application No 7 124 084).

Proprietor of the mark or sign cited in the opposition proceedings: Anson's Herrenhaus KG.

Mark or sign cited in opposition: Word mark 'Christian Berg' for goods and services in Classes 3, 18, 25 and 35 (Community trade mark No 3 383 676), the opposition being directed against registration for goods in Classes 25 and 28.

Decision of the Opposition Division: Opposition upheld.

Decision of the Board of Appeal: Appeal dismissed.

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009,⁽¹⁾ since there is no likelihood of confusion between the marks in question.

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (Consolidated Version) (OJ 2009 L 78, p. 1).

Action brought on 26 April 2011 — Wall v OHIM — Bluepod Media Worldwide (bluepod media)

(Case T-227/11)

(2011/C 194/30)

Language in which the application was lodged: English

Parties

Applicant: Wall AG (Berlin, Germany) (represented by: A. Nordemann, lawyer)

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

Other party to the proceedings before the Board of Appeal: Bluepod Media Worldwide Ltd (London, United Kingdom)

Form of order sought

— Partially annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 February 2011 in case R 301/2010-1; and

— Order the defendant to pay the costs of the proceedings.