

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The figurative mark 'GITANA', for goods and services in classes 14, 16, 18, 21, 24, 25, 34 to 36 and 38 — Community trade mark application No 3063344

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 in opposition: Community trade mark registration No 1609312 of the figurative mark 'KITANA', for goods in class 25; International trade mark registration No W00555706 of the figurative mark 'KITANA', for goods in classes 18 and 25; Italian trade mark registration No 531768 of the figurative mark 'KITANA', for goods in classes 18 and 25

Decision of the Opposition Division: Partially rejected the Community trade mark application

Decision of the Board of Appeal: Partially annulled the decision of the Opposition Division and dismissed the appeal for the remaining

Pleas in law: Infringement of Article 8(1)(b) of Council Regulation No 207/2009, as the Board of Appeal wrongly assessed the existence of likelihood of confusion between the opposing marks.

Action brought on 31 October 2011 — Unipol Banca v OHIM — Union Investment Privatfonds (unicard)

(Case T-574/11)

(2012/C 6/42)

Language in which the application was lodged: Italian

Parties

Applicant: Unipol Banca SpA (Bologna, Italy) (represented by: P. Costa and P. Creta, lawyers)

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

Other party to the proceedings before the Board of Appeal: Union Investment Privatfonds GmbH (Frankfurt am Main, Germany)

Form of order sought

— Annul the decision of 13 July 2011 of the Second Board of Appeal of OHIM in Case R 0597/2010-2 brought on 14 April 2010 by Union Investment Privatfonds GmbH and, accordingly

— Grant Community trade mark application No 005240080 filed on 18 July 2006 concerning the sign *unicard* also in respect of the services referred to in Class 36 of the Nice Agreement.

— Order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Unipol Banca SpA

Community trade mark concerned: Figurative mark 'unicard' (application for registration No 5.240.080) for services in Class 36

Proprietor of the mark or sign cited in the opposition proceedings: Union Investment Privatfonds GmbH

Mark or sign cited in opposition: German word marks 'UNIFONDS' (No 991.995), 'UNIGLOBAL' (No 991.996) and 'UniGarant' (No 30 138 306,5) for services in Class 36

Decision of the Opposition Division: Rejected the opposition

Decision of the Board of Appeal: Annulled the decision of the Opposition Division and rejected the application for registration of the mark in question

Pleas in law: Misapplication and misinterpretation of Article 8(1)(b) of Regulation No 207/2009 on the Community trade mark.

Action brought on 11 November 2011 — Akhras v Council

(Case T-579/11)

(2012/C 6/43)

Language of the case: English

Parties

Applicant: Tarif Akhras (Homs, Syria) (represented by: S. Ashley and S. Millar, Solicitors, D. Wyatt, QC, and R. Blakeley, Barrister)

Defendant: Council of the European Union

Form of order sought

— Annul paragraph 3 of table A of the Annex to Council decision 2011/522/CFSP insofar as it relates to the applicant;