

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Rule 50(1) of Commission Regulation No 2868/95 and Articles 76, 8 and 8(2)(c) of Council Regulation No 207/2009, as the Board of Appeal: (i) has neglected its right to examine the facts of its own motion, and take into consideration facts that are apparently likely to affect the outcome of the opposition; (ii) erred in law when it did not consider that 'PIERRE ROBERT' is a well known mark; (iii) failed when not considering the evidence, Annex 1, which was submitted in connection with the filing of the opposition; and (iv) failed when not accepting the certificate from the Swedish Patent and Registration Office filed before the decision of the opposition division.

*Community trade mark concerned:* The word mark 'Pierre Robert', for goods and services in classes 3, 5 and 44 — Community trade mark application No 8541849

*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant

*Mark or sign cited in opposition:* Swedish trade mark registration No 166274 of the figurative mark 'Pierre Robert', for goods in classes 3, 5 and 25

*Decision of the Opposition Division:* Rejected the opposition in its entirety

*Decision of the Board of Appeal:* Dismissed the appeal

**Action brought on 21 February 2012 — Robert Group v OHIM — Hardford (Pierre Robert)**

(Case T-86/12)

(2012/C 118/53)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* Pierre Robert Group AS (Oslo, Norway) (represented by: E. Ullberg and M. Plogell, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Hardford AB (Limhamn, Sweden)

**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 7 December 2011 in case R 2463/2010-1, and consequently order OHIM to evaluate the proof of existence, validity and scope of the earlier mark that the applicant has submitted;
- Or, alternatively, alter the decision of the First Board of Appeal by a decision of its own and refuse the registration of Community trade mark No 8541849 'Pierre Robert'; and
- Order the defendant to pay the costs of the proceedings, including those incurred in the proceedings before the Opposition Division and the First Board of Appeal of OHIM.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The other party to the proceedings before the Board of Appeal

*Pleas in law:* Infringement of Rule 50(1) of Commission Regulation No 2868/95 and Articles 76, 8 and 8(2)(c) of Council Regulation No 207/2009, as the Board of Appeal: (i) has neglected its right to examine the facts of its own motion, and take into consideration facts that are apparently likely to affect the outcome of the opposition; (ii) erred in law when it did not consider that 'Pierre Robert' is a well known mark; (iii) failed when not considering the evidence, Annex 1, which was submitted in connection with the filing of the opposition; and (iv) failed when not accepting the certificate from the Swedish Patent and Registration Office filed before the decision of the opposition division.

**Action brought on 27 February 2012 — Elegant Target Development and Others v Council**

(Case T-90/12)

(2012/C 118/54)

*Language of the case:* English

**Parties**

*Applicants:* Elegant Target Development Ltd (Hong Kong, China); Eternal Expert Ltd (Hong Kong); Giant King Ltd (Hong Kong); Golden Charter Development Ltd (Hong Kong); Golden Summit Investments Ltd (Hong Kong); Golden Wagon Development Ltd (Hong Kong); Grand Trinity Ltd (Hong Kong); Great Equity Investments Ltd (Hong Kong); Great Prospect International Ltd (Hong Kong); Harvest Supreme Ltd (Hong Kong); Key Charter Development Ltd (Hong Kong); King Prosper Investments Ltd (Hong Kong); Master Supreme International Ltd (Hong Kong); Metro Supreme International Ltd (Hong Kong); Modern Elegant Development Ltd (Hong Kong); Prosper Metro Investments Ltd (Hong Kong); Silver Universe International Ltd (Hong Kong); and Sparkle Brilliant Development Ltd (Hong Kong) (represented by: F. Randolph, M. Lester, Barristers, and M. Taher, Solicitor)

*Defendant:* Council of the European Union