

Form of order sought

- Uphold the action and declare that points 2, 3 and 5 of the decision of the Second Board of Appeal of 10 January 2012 in Joined Cases R 518/2011-2 and R 795/2011-2 are not consistent with Council Regulation (EC) No 40/94 on the Community trade mark (now Regulation (EC) No 207/2009);
- order the defendant and, where appropriate the intervener, to pay all the costs of the proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: Constructora de obras municipales, SA (COMSA)

Community trade mark concerned: Word mark 'COMSA' for goods and services in Classes 19, 35, 36, 37, 39 and 42 — Community trade mark application No 7 091 051

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

Mark or sign cited in opposition: Company name (business name) 'COMSA S.A.' and unregistered mark 'COMSA'

Decision of the Opposition Division: Opposition upheld in part

Decision of the Board of Appeal: The appeals of the applicant and of the defendant upheld in part

Pleas in law: Infringement of Article 8(4) of Regulation No 207/2009

Action brought on 2 April 2012 — Investrónica v OHIM — Olympus Imaging (MICRO)

(Case T-149/12)

(2012/C 194/35)

Language in which the application was lodged: Spanish

Parties

Applicant: Investrónica, SA (Madrid, Spain) (represented by: E. Seijo Veiguela and J. L. Rivas Zurdo, lawyers)

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

Other party to the proceedings before the Board of Appeal: Olympus Imaging Corp. (Tokyo, Japan)

Form of order sought

- Annul the decision of 31 January 2012 of the Fourth Board of Appeal of OHIM, in Case R 347/2011-4, and declare

that, pursuant to Article 8(1)(b) of the Community trade mark regulation, the trade mark applicant's appeal before OHIM ought to have been dismissed and the Opposition Division's decision refusing trade mark application No 7 014 392 'MICRO' (mixed) in its entirety upheld;

- order the party or parties which oppose this action to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Olympus Imaging Corporation

Community trade mark concerned: Figurative mark 'MICRO', in black and white, for goods in Class 9 (Application No 7 014 392)

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

Mark or sign cited in opposition: Spanish figurative mark 'micro', in light blue and dark blue, for goods and services in Classes 9, 38 and 42 (Mark No 2736947)

Decision of the Opposition Division: Opposition upheld and application for registration of the mark applied for refused

Decision of the Board of Appeal: Appeal upheld and decision under appeal which refused the mark applied for annulled

Plea in law: Misapplication of Article 8(1)(b) of Regulation No 207/2009 given that there is a likelihood of confusion between the signs at issue.

Action brought on 4 April 2012 — Pri v OHIM — Belgravia Investment Group (PRONOKAL)

(Case T-159/12)

(2012/C 194/36)

Language in which the application was lodged: Spanish

Parties

Applicant: Pri SA (Clémency, Luxembourg) (represented by: C. Marí Aguilar and F.J. Márquez Martín, lawyers)

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

Other party to the proceedings before the Board of Appeal: Belgravia Investment Group Ltd (Tortola, Islas Vírgenes Británicas)