

**Action brought on 26 April 2012 — Moonich
Produktkonzepte & Realisierung v OHIM — Thermofilm
Australia (HEATSTRIP)**

(Case T-184/12)

(2012/C 200/37)

Language in which the application was lodged: German

Parties

Applicant: Moonich Produktkonzepte & Realisierung GmbH (Sauerlach/Lochhofen, Germany) (represented by: H. Pannen, lawyer)

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

Other party to the proceedings before the Board of Appeal: Thermofilm Australia Pty Ltd (Springvale, Australia)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 26 January 2012 in Case R 1956/2010-1;
- order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: the word mark 'HEATSTRIP' for goods in Classes 9, 11 and 35 — application No 7 296 676

Proprietor of the mark or sign cited in the opposition proceedings: Thermofilm Australia Pty Ltd

Mark or sign cited in opposition: the unregistered word mark 'HEATSTRIP', which is protected in Australia, Canada, the United States of America and the United Kingdom for inter alia heaters

Decision of the Opposition Division: the opposition was rejected

Decision of the Board of Appeal: the appeal was upheld and the application was rejected

Pleas in law: Infringement of Article 8(3) of Regulation No 207/2009 and of Article 75 and the second part of Article 76(1) of that regulation

**Action brought on 26 April 2012 — Verus v OHIM —
Maquet (LUCEA LED)**

(Case T-186/12)

(2012/C 200/38)

Language in which the application was lodged: German

Parties

Applicant: Verus Eood (Sofia, Bulgaria) (represented by: S. Vykydal, lawyer)

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

Other party to the proceedings before the Board of Appeal: Maquet SAS (Ardon, France)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 13 February 2012 in Case R 67/2011-4 and refer the case back to the Board of Appeal;
- order the defendant to pay the costs before the Court and the costs of the proceedings before the Board of Appeal.

Pleas in law and main arguments

Applicant for a Community trade mark: Maquet SAS

Community trade mark concerned: the word mark 'LUCEA LED' for goods in Class 10

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

Mark or sign cited in opposition: the word mark 'LUCEO' for goods in Classes 10, 12 and 28

Decision of the Opposition Division: the opposition was upheld

Decision of the Board of Appeal: the appeal was allowed and the opposition was rejected

Pleas in law:

- infringement of Article 8(1) of Regulation No 207/2009,
- infringement of Article 76(2) of Regulation No 207/2009,
- infringement of the second sentence of Article 75 of Regulation No 207/2009,