

## GENERAL COURT

**Action brought on 19 July 2012 — Knauf Insulation Technology v OHIM — Saint Gobain Cristaleria (ECOSE)**

(Case T-323/12)

(2012/C 295/46)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Knauf Insulation Technology (Visé, Belgium) (represented by: K. Manhaeve, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Saint Gobain Cristaleria, SL (Madrid, Spain)

**Form of order sought**

- Annul the decision of the Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 4 May 17 April 2012 in case R 259/2011-5 insofar as it has declared the opponent's opposition successful against the CTM application for part of the goods and services applied for;
- Order the defendant and — if applicable — the Opponent to jointly and severally pay all the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The word mark 'ECOSE', for goods and services in classes 1, 2, 3, 16, 17, 19, 20 and 40 — Community trade mark application No W00993849

*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:* Spanish trade mark registration No 2556409 of the word mark 'ECOSEC FACHADAS', for goods in classes 17 and 19

*Decision of the Opposition Division:* Upheld the opposition for part of the contested goods

*Decision of the Board of Appeal:* Partially annulled the contested decision and dismissed the appeal and confirmed the contested decision for the remainder

*Pleas in law:* Infringement of Article 8(1)(b) of Council Regulation No 207/2009

**Action brought on 19 July 2012 — Knauf Insulation Technology v OHIM — Saint Gobain Cristaleria (ECOSE TECHNOLOGY)**

(Case T-324/12)

(2012/C 295/47)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Knauf Insulation Technology (Visé, Belgium) (represented by: K. Manhaeve, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Saint Gobain Cristaleria, SL (Madrid, Spain)

**Form of order sought**

- Annul the decision of the Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 4 May 2012 in joined cases R 1193/2011-5 and R 1426/2011-5 insofar as it has declared the opponent's opposition successful against the CTM application for part of the goods and services applied for;
- Order the defendant and — if applicable — the Opponent to jointly and severally pay all the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The figurative mark 'ECOSE TECHNOLOGY', for goods and services in classes 1, 2, 3, 16, 17, 19, 20 and 40 — Community trade mark application No W 998610

*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:* Spanish trade mark registration No 2556409 of the word mark 'ECOSEC FACHADAS', for goods in classes 17 and 19

*Decision of the Opposition Division:* Upheld the opposition for part of the contested goods

*Decision of the Board of Appeal:* Partially annulled the contested decision and dismissed the appeal and confirmed the contested decision for the remainder

*Pleas in law:* Infringement of Article 8(1) (b) of Council Regulation No 207/2009