

Pleas in law and main arguments

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

Community trade mark concerned: The word mark 'SÔ:UNIC', for goods in class 3 — Community trade mark application No 8197972

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

Mark or sign cited in opposition: A series of 24 Community, International, UK and Irish registered trade marks consisting of the word 'SO' combined with other material, for goods in class 3; A series of 17 unregistered signs consisting of the word 'SO' combined with other material, used in connection with goods in class 3

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

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law:

— Infringement of Article 8(1)(b) of Council Regulation No 207/2009;

— Infringement of Rule 15(2)(b)(iii) of Commission Regulation No 2868/95; and

— Infringement of Article 8(4) of Council Regulation No 207/2009.

Action brought on 7 August 2012 — Sachi Premium-Outdoor Furniture v OHIM — Gandia Blasco (Armchairs)

(Case T-357/12)

(2012/C 311/17)

Language in which the application was lodged: English

Parties

Applicant: Sachi Premium — Outdoor Furniture, Lda (Estarreja, Portugal) (represented by: M. Oehen Mendes, lawyer)

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

Other party to the proceedings before the Board of Appeal: Gandia Blasco, SA (Valencia, Spain)

Form of order sought

— Annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade marks and Designs) of 27 April 2012 (R 969/2011-3);

— Declare the contested Community Design No 1512633-0003 invalid; and

— Order the defendant to pay the costs.

Pleas in law and main arguments

Registered Community design trade mark in respect of which a declaration of invalidity has been sought: A design for 'armchairs, loungers' — registered Community design No 1512633-0003

Proprietor of the Community design: The applicant

Applicant for the declaration of invalidity of the Community design: The other party to the proceedings before the Board of Appeal

Grounds for the application for a declaration of invalidity: The other party to the proceedings before the Board of Appeal requested the invalidation of the RCD based on Articles 4 to 9 of Council Regulation No 6/2002; Community design registration No 52113-0001, for 'armchairs'

Decision of the Invalidity Division: Rejected the application for a declaration of invalidity

Decision of the Board of Appeal: Annulled the contested decision and declared the contested Registered Community design invalid

Pleas in law: Infringement of Articles 5 to 7 of Council Regulation No 6/2002.

Action brought on 8 August 2012 — Vuitton Malletier v OHIM — Nanu-Nana (device of a checked pattern)

(Case T-359/12)

(2012/C 311/18)

Language in which the application was lodged: English

Parties

Applicant: Louis Vuitton Malletier (Paris, France) (represented by: P. Roncaglia, G. Lazzaretti and N. Parrotta, lawyers)

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

Other party to the proceedings before the Board of Appeal: Nanu-Nana Handelsgesellschaft mbH für Geschenkartikel & Co.KG (Berlin, Germany)