

Pleas in law and main arguments

Applicant for a Community trade mark: Harper Hygienics

Community trade mark concerned: figurative trade mark containing the word element 'CLEANIC natural beauty' for goods in Classes 3, 5 and 16

Proprietor of the mark or sign cited in the opposition proceedings: Clinique Laboratories LLC

Mark or sign cited in opposition: Community trade marks No 54 429 for goods in Classes 3, 14, 25 and 42 and No 2 294 429 for goods in Classes 35 and 42, and national (Polish) mark No 51 732 for goods in Classes 3 and 5

Decision of the Opposition Division: opposition upheld

Decision of the Board of Appeal: appeal dismissed

Pleas in law: Infringement of Article 8(1)(b) of Regulation No 207/2009 ⁽¹⁾ as regards establishment of the similarity of the trade marks and of the likelihood of confusion on the part of consumers, and infringement of Article 8(5) of that regulation

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

Action brought on 8 August 2012 — Harper Hygienics v OHIM — Clinique Laboratories (CLEANIC Kindii)

(Case T-364/12)

(2012/C 355/60)

Language in which the application was lodged: Polish

Parties

Applicant: Harper Hygienics S.A. (Warsaw, Poland) (represented by: R. Rumpel, legal adviser)

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

Other party to the proceedings before the Board of Appeal: Clinique Laboratories LLC (New York, United States)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 17 May 2012 (Case R 1135/2001-2) refusing registration of 'CLEANIC Kindii' as a Community trade mark for goods in Classes 3, 5 and 16;
- amend the contested decision by registration of the trade mark for all the goods and services applied for;

— order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Harper Hygienics

Community trade mark concerned: figurative trade mark containing the word element 'CLEANIC Kindii' for goods in Classes 3, 5 and 16

Proprietor of the mark or sign cited in the opposition proceedings: Clinique Laboratories LLC

Mark or sign cited in opposition: Community trade marks No 54 429 for goods in Classes 3, 14, 25 and 42 and No 2 294 429 for goods in Classes 35 and 42, and national (Polish) mark No 51 732 for goods in Classes 3 and 5

Decision of the Opposition Division: opposition upheld

Decision of the Board of Appeal: appeal dismissed

Pleas in law: Infringement of Article 8(1)(b) of Regulation No 207/2009 ⁽¹⁾ as regards establishment of the similarity of the trade marks and of the likelihood of confusion on the part of consumers, and infringement of Article 8(5) of that regulation

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

Action brought on 21 August 2012 — Electric Bike World v OHIM — Brunswick (LIFECYCLE)

(Case T-379/12)

(2012/C 355/61)

Language in which the application was lodged: English

Parties

Applicant: Electric Bike World Ltd (Southampton, United Kingdom) (represented by: S. Malynicz, Barrister)

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

Other party to the proceedings before the Board of Appeal: Brunswick Corp. (Lake Forest, United States)

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 16 May 2012 in case R 2308/2011-1; and
- Order the Office and the other party to bear their own costs and pay those of the applicant.