

— order the defendant to pay the costs incurred by the applicant.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: the figurative mark including the letter 'e' for goods and services in Classes 9, 12, 18, 22, 25, 28 and 42 — Community trade mark application No 6 220 421

Proprietor of the mark or sign cited in the opposition proceedings: Elite Licensing Company SA

Mark or sign cited in opposition: the national, international and Community figurative mark including the letter 'e' for goods and services in Classes 3, 5, 8, 9, 10, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 28, 32, 35, 38, 41, 43 and 44

Decision of the Opposition Division: the opposition was rejected

Decision of the Board of Appeal: the appeal was upheld in part

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

Action brought on 2 October 2012 — Heinrich v OHIM — Commission (European Network Rapid Manufacturing)

(Case T-430/12)

(2012/C 355/77)

Language in which the application was lodged: German

Parties

Applicant: Heinrich Beteiligungs GmbH (Witten, Germany) (represented by: A. Theis, lawyer)

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

Other party to the proceedings before the Board of Appeal: European Commission

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 5 July 2012 in Case R 793/2011-1;

— order the defendant to pay the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: the figurative mark including the word

elements 'European Network Rapid Manufacturing' for goods and services in Classes 6, 7, 12, 17 and 42 — Community trade mark No 7 407 968

Proprietor of the Community trade mark: the applicant

Applicant for the declaration of invalidity of the Community trade mark: European Commission

Grounds for the application for a declaration of invalidity: the figurative mark is an imitation from a heraldic point of view of the European emblem

Decision of the Cancellation Division: the application for a declaration of invalidity was rejected

Decision of the Board of Appeal: the appeal was upheld and the figurative mark was declared invalid

Pleas in law: Infringement of Article 7(1)(h) of Regulation No 207/2009 in conjunction with Article 6ter(1)(a) of the Paris Convention for the Protection of Industrial Property

Order of the General Court of 26 September 2012 — Deutsche Telekom v OHIM TeliaSonera Denmark (Nuance de magenta)

(Case T-583/10) ⁽¹⁾

(2012/C 355/78)

Language of the case: English

The President of the Second Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 55, 19.2.2011.

Order of the General Court of 20 September 2012 — Western Digital and Western Digital Ireland v Commission

(Case T-452/11) ⁽¹⁾

(2012/C 355/79)

Language of the case: English

The President of the Second Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 305, 15.10.2011.