

Other party to the proceedings before the Board of Appeal of OHIM: Augere Holdings (Netherlands) BV (Amsterdam, Netherlands)

#### Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 12 July 2012 (Case R 1848/2011-2) relating to opposition proceedings between Augere Holdings (Netherlands) BV and Ubee Interactive Corp.

#### Operative part of the order

1. There is no longer any need to adjudicate on the action.
2. The applicant and the other party to the proceedings before the Board of Appeal shall bear their own costs and each shall pay one half of the costs incurred by the defendant.

(<sup>1</sup>) OJ C 355, 17.11.2012.

**Action brought on 16 January 2013 — Senz Technologies/OHIM — Impliva (Umbrellas)**

(Case T-22/13)

(2013/C 101/41)

*Language in which the application was lodged: English*

#### Parties

*Applicant:* Senz Technologies BV (Delft, Netherlands) (represented by: W. Hoyng and C. Zeri, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Impliva BV (Amsterdam, Netherlands)

#### Form of order sought

The applicant claims that the Court should:

- To annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) dated 26 September 2012 in Case R 2453/2010-3;
- Uphold the arguments put forward before the General Court and declare the registration of the Registered Community Design with no. 000579032-0001 to be valid;
- Order the Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) to bear its own costs and pay those of the applicant.

#### Pleas in law and main arguments

*Registered Community trade design in respect of which a declaration of invalidity has been sought:* The trade design 'Umbrellas' — Registered Community design No 000579032-0001

*Proprietor of the Community trade design:* The applicant

*Applicant for the declaration of invalidity of the Community trade design:* Impliva BV

*Grounds for the application for a declaration of invalidity:* The application for a declaration of invalidity was based on Articles 4 and 9 Council Regulation No 6/2002

*Decision of the Cancellation Division:* Upheld the application for a declaration of invalidity

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Article 7(1) and Articles 6 in connection with 25 (1)(b) of Council Regulation No 6/2002.

**Action brought on 16 January 2013 — Senz Technologies/OHIM — Impliva (Umbrellas)**

(Case T-23/13)

(2013/C 101/42)

*Language in which the application was lodged: English*

#### Parties

*Applicant:* Senz Technologies BV (Delft, Netherlands) (represented by: W. Hoyng and C. Zeri, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Impliva BV (Amsterdam, Netherlands)

#### Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) dated 26 September 2012 in Case R 2459/2010-3;
- Uphold the arguments put forward before the General Court and declare the registration of the Registered Community Design with no. 000579032-0002 to be valid;
- Order the Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) to bear its own costs and pay those of the applicant.