

- collect the evidence indicated in the content of the application;
- conduct the written procedure, with Polish as the language of the case.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The figurative mark containing the word element 'protekt' for goods in Classes 6, 7, 9, 22 and 25 — Registration No 008478331

Proprietor of the mark or sign cited in the opposition proceedings: Capital Safety Group EMEA, SAS

Mark or sign cited in opposition: The Community word mark Protecta, registered for goods in Classes 6, 7 and 9

Decision of the Opposition Division: Opposition upheld in part

Decision of the Board of Appeal: Appeal dismissed

Pleas in law:

- Breach of Article 8(1)(b) of Regulation No 207/2009;
- Breach of Articles 75 and 76 of Regulation No 207/2009 and of Rules 50 and 52 of Commission Regulation No 2868/95.

Action brought on 7 January 2013 — Group Nivelles v OHIM — Easy Sanitary Solutions (Representation of a shower drainage pipe)

(Case T-15/13)

(2013/C 108/72)

Language in which the application was lodged: Dutch

Parties

Applicant: Group Nivelles (Gingelom, Belgium) (represented by: H. Jonkhout, lawyer)

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

Other party to the proceedings before the Board of Appeal: Easy Sanitary Solutions BV (Losser, Netherlands)

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 4 October 2012 in Case 2004/2010-3 and, correcting the grounds as necessary,

uphold the decision of the Cancellation Division of OHIM of 23 September 2010 in Case ICD 000007024, notification of the latter decision having been received on 1 October 2010.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: Design representing a shower drainage pipe — Community design No 107834-0025

Proprietor of the Community trade mark: Easy Sanitary Solutions BV

Applicant for the declaration of invalidity of the Community trade mark: Group Nivelles

Grounds for the application for a declaration of invalidity: Articles 4 to 9 of Regulation No 6/2002

Decision of the Cancellation Division: Design declared invalid.

Decision of the Board of Appeal: Annulment of the decision of the Cancellation Division

Pleas in law: The Board of Appeal's decision is based on incorrect grounds and, in factual terms, on a false point of comparison.

Action brought on 11 January 2013 — Łaskiewicz v OHIM — CABLES Y ESLINGAS (PROTEKT)

(Case T-18/13)

(2013/C 108/73)

Language in which the application was lodged: Polish

Parties

Applicant: Grzegorz Łaskiewicz (Łódź, Poland) (represented by: J. Gwiazdowska, legal adviser)

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

Other party to the proceedings before the Board of Appeal: CABLES Y ESLINGAS, S.A. (Cerdanyola del Valles, Barcelona, Spain)

Form of order sought

The applicant claims that the Court should:

- set aside in its entirety the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 24 October 2012 in Case R 701/2011-4;