

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Poch, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Recaro Holding GmbH, formerly Recaro Beteiligungs-GmbH (Stuttgart, Germany) (represented by: J. Weiser, lawyer)

#### Re:

Action brought against the decision of the First Board of Appeal of OHIM of 16 May 2012 (Case R 482/2011-1), concerning opposition proceedings between Recaro Beteiligungs-GmbH and Rudolf Leiner GmbH.

#### Operative part of the judgment

*The Court:*

1. Dismisses the action;
2. Orders Rudolf Leiner GmbH to pay the costs.

(<sup>1</sup>) OJ C 287, 22.9.2012.

#### Action brought on 8 August 2013 — Tsujimoto v OHIM — Kenzo (KENZO ESTATE)

(Case T-414/13)

(2013/C 304/34)

*Language in which the application was lodged: English*

#### Parties

*Applicant:* Kenzo Tsujimoto (Osaka, Japan) (represented by: A. Wenninger-Lenz, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Kenzo (Paris, France)

#### 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 (Trademarks and Designs) of 22 May 2013 given in Case R 333/2012-2;
- Order the defendant to pay the costs of the proceedings.

#### Pleas in law and main arguments

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The word mark KENZO ESTATE for goods in Class 33 — International Registration No 953373

*Proprietor of the mark or sign cited in the opposition proceedings:* The other party to the proceedings before the Board of Appeal

*Mark or sign cited in opposition:* Community trade mark registration No 720 706 of the word trade mark KENZO for goods in Classes 3, 18 and 25

*Decision of the Opposition Division:* Rejected the opposition

*Decision of the Board of Appeal:* Upheld the appeal and annulled the contested decision

*Pleas in law:* Infringement of Article 8(5) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (<sup>1</sup>).

(<sup>1</sup>) OJ L 78, p. 1

#### Action brought on 14 August 2013 — Unión de Almacenistas de Hierros de España v Commission

(Case T-419/13)

(2013/C 304/35)

*Language of the case: Spanish*

#### Parties

*Applicant:* Unión de Almacenistas de Hierros de España (Madrid, Spain) (represented by: A. Creus Carreras, A. Valiente Martín and C. Maldonado Márquez, lawyers)

*Defendant:* European Commission

#### Form of order sought

The applicant claims that the Court should:

- annul the contested Commission decision of 18 June 2013;
- order the Commission to pay the costs of the present proceedings;
- in addition, as a measure of organisation of procedure, order the Commission to submit to the Court the documents to which it has denied access, so that the Court may examine them and verify the exactitude of the submissions made in the application.

#### Pleas in law and main arguments

In February 2013, the Unión de Almacenistas de Hierros de España (UAHE) requested access to certain documents in the possession of the European Commission by virtue of the mechanism for coordination with the national competition authorities provided for in Article 11(4) of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1). Specifically, the applicant sought access to all documents and communications exchanged between the Commission's Directorate-General for Competition and the Spanish National Competition Commission (Comisión Nacional de la Competencia), concerning the penalty proceedings S-106/08 Almacenes de Hierro and S-254/10 Hierros Extremadura.