

**Action brought on 3 December 2007 — Harwin International v OHIM — Cuadrado (Pickwick)**

(Case T-450/07)

(2008/C 37/50)

*Language in which the application was lodged: English***Parties***Applicant:* Harwin International LLC (Albany, United States) (represented by: D. Przedborski, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Cuadrado SA (Paterna, Spain)**Form of order sought**

— Annulment of the decision of the OHIM's Second Board of Appeal in Case R 1245/2006-2, rendered on 10 September 2007;

— order the defendant and Cuadrado SA to bear their own costs and to reimburse the costs incurred by the applicant.

**Pleas in law and main arguments**

*Registered Community trade mark subject of the application for a declaration of invalidity:* The figurative trade mark containing the word components 'PICKWICK COLOUR GROUP' for goods and services in Class 25 — application No 826669

*Proprietor of the Community trade mark:* Harwin International LLC*Party requesting the declaration of invalidity of the Community trade mark:* Cuadrado SA

*Trade mark right of the party requesting the declaration of invalidity:* The earlier national word mark 'PICK OUIE, CUADRADO SA, VALENCIA' and the figurative trade mark containing the word elements 'Pick Ouie' for goods in class 25

*Decision of the Cancellation Division:* Declared the mark applied for invalid in its entirety*Decision of the Board of Appeal:* Dismissed the appeal*Pleas in law:* Infringement of Articles 8(1)(b) and 56(2) and (3) of Council Regulation (EC) No 40/94.

The applicant claims that the Board's finding as to the non-examination by the Cancellation Division of the evidence submitted by Cuadrado is inconsistent and contrary to law. Furthermore, the applicant submits that there is no likelihood of confusion between the trademarks concerned.

**Action brought on 10 December 2007 — WellBiz v OHIM — Wild (WELLBIZ)**

(Case T-451/07)

(2008/C 37/51)

*Language in which the application was lodged: German***Parties***Applicant:* WellBiz Verein, WellBiz Association (Eschen, Liechtenstein) (represented by: M. Schnetzer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Rudolf Wild GmbH & Co. KG (Eppelheim, Germany)**Form of order sought**

— To annul the decision of the First Board of Appeal of 2 October 2007 in Case R 1575/2006-1;

— To reject Opposition No B 809 394 of the opponent of 9 March 2005;

— To order OHIM and the opponent to pay the costs of the present case and also those incurred in the opposition and appeal proceedings before OHIM.

**Pleas in law and main arguments***Applicant for a Community trade mark:* the applicant.

*Community trade mark concerned:* the word mark 'WELLBIZ' in respect of services in Classes 35 and 41 (application No 3 844 479).

*Proprietor of the mark or sign cited in the opposition proceedings:* Rudolf Wild GmbH & Co. KG.

*Mark or sign cited in opposition:* the word mark 'WILD.BIZ' for services in Classes 38, 41 and 42 (Community trade mark No 2 225 175), the opposition being based on some of the services in Class 41.

*Decision of the Opposition Division:* Opposition upheld in relation to all the contested services in Class 41.*Decision of the Board of Appeal:* Dismissal of the appeal.