

Form of order sought

- Annul the decisions of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 2 April 2008 in case R 1481/2007-2 and of the Opposition Division of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 17 July 2007 in opposition proceedings No B 893 216;
- allow the applicant's opposition to the registration as a Community trade mark of the application dated 4 October 2004 for the figurative mark 'oli' for goods in classes 3 and 5;
- order OHIM to refuse registration of the said application dated 4 October 2004; and
- order the other parties hereto to pay the costs.

Pleas in law and main arguments

Applicant for the Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The figurative mark 'oli' for goods in classes 3 and 5 — application No 4 059 176

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited: The Community trade marks 'OLAY' for goods in classes 3 and 5

Decision of the Opposition Division: Rejection of the opposition in its entirety

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of article 8(1)(b) of Council Regulation No 40/94 as the trade marks concerned are similar and the use of the trade mark applied for is likely to cause confusion.

Action brought on 20 June 2008 — CBI and Abisp v Commission

(Case T-241/08)

(2008/C 209/109)

Language of the case: French

Parties

Applicants: Coordination Bruxelloise d'Institutions sociales et de santé (CBI) (Brussels, Belgium) and Association Bruxelloise des

Institutions de Soins Privées (Abisp) (Brussels, Belgium) (represented by: D. Waelbroeck and D. Slater, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- Annul the confirmatory decision of the Commission;
- Order the defendant to pay the costs.

Pleas in law and main arguments

The applicants seek the annulment of the Commission's decision of 10 April 2008, which, in their opinion, confirms the Commission's decision of 10 January 2008 rejecting their complaint made on 7 September and 17 October 2005 against the State aid granted by the Kingdom of Belgium to public hospitals of the IRIS network in the Brussels-Capital Region and refusing to initiate the formal investigation procedure in respect of the aid in question pursuant to Article 88(2) EC.

The pleas in law and main arguments relied on by the applicants are identical to those submitted in Case T-128/08 *CBI and Abisp v Commission* ⁽¹⁾.

⁽¹⁾ OJ 2008 C 142, p. 30.

Action brought on 23 June 2008 — Ravensburger v OHIM — Educa Borrás (EDUCA Memory game)

(Case T-243/08)

(2008/C 209/110)

Language in which the application was lodged: English

Parties

Applicant: Ravensburger AG (Ravensburg, Germany) (represented by: G. Würtenberger, lawyer, and R. Kunze, lawyer and Solicitor)

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