

Action brought on 29 December 2010 — El Corte Inglés v OHIM — Ruan (B)**(Case T-593/10)**

(2011/C 80/38)

*Language in which the application was lodged: Spanish***Parties***Applicant:* El Corte Inglés, SA (Madrid, Spain) (represented by: J. L. Rivas Zurdo and E. Seijo Veiguela, lawyers)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*Other party to the proceedings before the Board of Appeal of OHIM:* Jian Min Ruan (Mem Martins, Portugal)**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 (Trade Marks and Designs) of 4 October 2010, in Case R 576/2010-2, and declare that, in accordance with Article 8(1)(b) of the CTMR, the opponent's appeal before OHIM ought to have been upheld and the Opposition Division's decision to grant in full the complex Community trade mark 'B' (No 6.379.721) annulled;
- order the party or parties which oppose this action to pay the costs.

Pleas in law and main arguments*Applicant for a Community trade mark:* Jian Min Ruan.*Community trade mark concerned:* Red and white figurative mark containing the letter 'B' for goods in Class 25.*Proprietor of the mark or sign cited in the opposition proceedings:* El Corte Inglés, SA.*Mark or sign cited in opposition:* Figurative mark containing the letter 'B' for goods in Class 25.*Decision of the Opposition Division:* Opposition rejected.*Decision of the Board of Appeal:* Appeal dismissed.*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009, ⁽¹⁾ since there is a likelihood of confusion between the marks at issue.

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

Action brought on 28 December 2010 — Almunia Textil v OHIM — FIBA Europe (EuroBasket)**(Case T-596/10)**

(2011/C 80/39)

*Language in which the application was lodged: Spanish***Parties***Applicant:* Almunia Textil, SA (La Almunia de Doña Godina, Spain) (represented by: J. E. Astiz Suárez, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*Other party to the proceedings before the Board of Appeal of OHIM:* FIBA Europe eV (Munich, Germany)**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 6 October 2010 in Case R 280/2010-1.

Pleas in law and main arguments*Applicant for a Community trade mark:* FIBA Europe eV.*Community trade mark concerned:* Word mark 'EuroBasket' for goods and services in Classes 9, 14, 16, 24, 25, 26, 28, 35, 38 and 41.*Proprietor of the mark or sign cited in the opposition proceedings:* Almunia Textil, SA.*Mark or sign cited in opposition:* Community and national figurative marks containing the word element 'Basket', for goods in Classes 18, 25 and 28.*Decision of the Opposition Division:* Opposition upheld in part and Community trade mark application rejected in part for goods in Classes 9, 25, 28 and 41.*Decision of the Board of Appeal:* Appeal allowed and opposition rejected.*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009, ⁽¹⁾ since there is a likelihood of confusion between the marks at issue.

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).