

Order of the General Court of 8 July 2013 — Marcuccio v Commission(Case T-238/11 P) ⁽¹⁾**(Appeal — Civil service — Officials — Invalidity allowance — Payment of arrears — Default interest due — Appeal in part manifestly inadmissible and in part manifestly unfounded)**

(2013/C 252/50)

Language of the case: Italian

Parties**Applicant:** Luigi Marcuccio (Tricase, Italie) (represented by: G. Cipressa, lawyer)**Other party in the proceedings:** European Commission (represented by: J. Currall and C. Berardis-Kayser, Agents, and A. Dal Ferro, lawyer)**Re**Appeal against the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 15 February 2011 in Case F-81/09 *Marcuccio v Commission* (not published in the ECR) seeking to have that judgment set aside.**Operative part of the order**

1. *The appeal is dismissed.*
2. *Mr Luigi Marcuccio is ordered to bear his own costs and to pay the costs incurred by the European Commission in the appeal proceedings.*

⁽¹⁾ OJ C 186, 25.6.2011.**Action brought on 14 June 2013 — Tsujimoto/OHIM — Kenzo (KENZO)**

(Case T-322/13)

(2013/C 252/51)

Language in which the application was lodged: English

Parties**Applicant:** Kenzo Tsujimoto (Osaka, Japon) (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 25 March 2013 (Case R 1364/2012-2);

— Order OHIM 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', for services in classes 35, 41 and 43 — Community trade mark application No 8 701 286**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 of the word mark 'KENZO', for goods in classes 3, 18 and 25**Decision of the Opposition Division:** Rejected the opposition**Decision of the Board of Appeal:** Annulled the contested decision and rejected the CTM application in its entirety**Pleas in law:** Infringement of Articles 76(2) and 8(5) of CTMR.**Action brought on 14 June 2013 — Pure Fishing/OHIM — Łabowicz (NANOFIL)**

(Case T-323/13)

(2013/C 252/52)

Language in which the application was lodged: English

Parties**Applicant:** Pure Fishing, Inc. (Spirit Lake, United States) (represented by: J. Dickerson, Solicitor)**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs)**Other party to the proceedings before the Board of Appeal:** Edward Łabowicz (Kłodzko, Poland)**Form of order sought**

The applicant claims that the Court should:

— Annul the decision of the Board of Appeal in case no R1241/2012-2;

— Authorize for registration CTM application no 9611872; and