

Action brought on 26 October 2011 — Kokomarina v OHIM — Euro Shoe Unie (interdit de me gronder I D M G)

(Case T-568/11)

(2012/C 13/39)

Language in which the application was lodged: French

Parties

Applicant: Kokomarina (Concarneau, France) (represented by: C. Charrière-Bournazel, lawyer)

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

Other party to the proceedings before the Board of Appeal: Euro Shoe Unie NV (Beringen, Belgium)

Form of order sought

The applicant claims that the General Court should:

- declare Kokomarina's action to be admissible;
- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 21 July 2011 in Case R 1814/2010-1;
- dismiss the opposition brought by EURO SHOE UNIE NV against the application for registration as a Community trade mark of Kokomarina's mark 'I D M G — interdit de me gronder'.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant.

Community trade mark concerned: Figurative mark containing the verbal element 'interdit de me gronder I D M G' for goods in class 25.

Proprietor of the mark or sign cited in the opposition proceedings: Euro Shoe Unie NV.

Mark or sign cited in opposition: Benelux word mark 'DMG' for goods in Classes 18, 25 and 35.

Decision of the Opposition Division: Opposition upheld.

Decision of the Board of Appeal: Appeal dismissed.

Pleas in law: Lack of use of the opposed mark and no likelihood of confusion.

Action brought on 7 November 2011 — Oetker Nahrungsmittel v OHIM (La qualité est la meilleure des recettes)

(Case T-570/11)

(2012/C 13/40)

Language of the case: German

Parties

Applicant: Dr. August Oetker Nahrungsmittel KG (Bielefeld, Germany) (represented by: F. Graf von Stosch, lawyer)

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

Form of order sought

— Annul the decision of the Grand Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 8 July 2011 in Case R 1798/2010-G;

— Order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Word mark 'La qualité est la meilleure des recettes' for goods in Classes 16, 29, 30 and 32.

Decision of the Examiner: Partial refusal of the application.

Decision of the Board of Appeal: Dismissal of the appeal.

Pleas in law: Infringement of Articles 7(1)(b) and 7(3) of Regulation No 207/2009, since the Community trade mark concerned is distinctive.

Action brought on 7 November 2011 — El Corte Inglés v OHIM

(Case T-571/11)

(2012/C 13/41)

Language in which the application was lodged: Spanish

Parties

Applicant: El Corte Inglés, SA (Madrid, Spain) (represented by: E. Seijo Veiguela, lawyer, and J. L. Rivas Zurdo, lawyer)

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

Other party to the proceedings before the Board of Appeal: Groupe Chez Gerard Restaurants Ltd (London, United Kingdom)