

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 20 December 2011 in Case R 311/2011-2 which dismissed the action brought by Pri SA and granted, in part, the registration of Community trade mark No 57644099 'PRONOKAL' in Classes 5, 29, 30 and 32, of which BELGRAVIA is the proprietor, and reject in its entirety the registration of (BELGRAVIA's) Community trade mark No 5744099 'PRONOKAL' in Classes 5, 29, 30 and 32 for infringement of the rights of Pri SA;
- order the defendant to pay the costs, in accordance with Article 87(2) and (3) of the Rules of Procedure.

Pleas in law and main arguments

Applicant for a Community trade mark: Belgravia Investment Group Ltd

Community trade mark concerned: word mark 'PRONOKAL' for goods in Classes 5, 29, 30 and 32 — Trade mark application No 5744099

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

Mark or sign cited in opposition: Spanish word mark and trade name 'PRONOKAL' for goods in Class 30

Decision of the Opposition Division: rejection in part of the opposition and registration in part of the mark applied for

Decision of the Board of Appeal: dismissal of the appeal

Pleas in law: infringement of Article 8(2)(c) of Regulation No 207/2009

— annul in part the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 25 January 2012 in Case R 437/2011-2;

— rule that the application for registration of the disputed mark should be rejected in its entirety on the basis of Article 8(1)(b) of Regulation No 207/2009; and

— order the other party to the proceedings before the Board of Appeal to pay the costs of the proceedings, both before the Court and before OHIM.

Pleas in law and main arguments

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

Community trade mark concerned: the word mark 'FreeLounge' for goods and services in Classes 16, 35 and 41 — application for registration No 8442832

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

Mark or sign cited in opposition: the French figurative mark No 99785839 'free LA LIBERTÉ N'A PAS DE PRIX' for goods and services in Classes 9 and 38; the French word mark No 1734391 'FREE' for services in Class 38; the company name 'FREE' used in the course of trade in France; the domain name 'FREE.FR' used in the course of trade

Decision of the Opposition Division: rejection of the application for the Community trade mark

Decision of the Board of Appeal: Partial annulment of the contested decision

Pleas in law: Infringement of Article 8(1)(b) of Regulation No 207/2009

Action brought on 11 April 2012 — Free v OHIM — Conradi + Kaiser (FreeLounge)

(Case T-161/12)

(2012/C 194/37)

Language in which the application was lodged: French

Parties

Applicant: Free (Paris, France) (represented by: Y. Coursin, lawyer)

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

Other party to the proceedings before the Board of Appeal: Conradi + Kaiser GmbH (Kleinmaischeid, Germany)

Form of order sought

The applicant claims that the Court should:

Action brought on 10 April 2012 — Bolívar Cerezo v OHIM — Renovalia Energy (RENOVALIA)

(Case T-166/12)

(2012/C 194/38)

Language in which the application was lodged: Spanish

Parties

Applicant: Juan Bolívar Cerezo (Granada, Spain) (represented by: I.M. Barroso Sánchez-Lafuente, lawyer)

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

Other party to the proceedings before the Board of Appeal: Renovalia Energy, SA (Villarobledo, Spain)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal of 26 January 2012 of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) in Case R 663/2011-1, resulting in the registration of Community trade mark No 8 631 814 'RENOVALIA' for 'Insurance; financial affairs; monetary affairs; real estate affairs' in Class 36;
- order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: Word mark 'RENOVALIA' for goods and services in Classes 11, 25, 35, 36, 37 and 41 — application for Community trade mark No 8 631 814

Proprietor of the mark or sign cited in the opposition proceedings: Renovalia Energy, SA

Mark or sign cited in opposition: Spanish word marks 'RENOVA ENERGY' and 'RENOVAENERGY' and trade name 'RENOVALIA' for services in Class 36

Decision of the Opposition Division: opposition upheld in part

Decision of the Board of Appeal: appeal dismissed

Pleas in law: There is a likelihood of confusion between the applicant's priority Spanish mark No 2 715 975 'RENOVALIA' and the opposing Spanish marks. An action for annulment is to be brought before the competent Spanish national court against the opposing Spanish marks, as a result of which those marks will no longer be able to be relied on to oppose the registration of the Community trade mark applied for

Action brought on 10 April 2012 — Beyond Retro v OHIM — S&K Garments (BEYOND VINTAGE)

(Case T-170/12)

(2012/C 194/39)

Language in which the application was lodged: English

Parties

Applicant: Beyond Retro Ltd (London, United Kingdom) (represented by: S. Malynicz, Barrister)

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

Other party to the proceedings before the Board of Appeal: S&K Garments, Inc. (New York, United States)

Form of order sought

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 31 January 2012 joined cases R 493/2011-4 and R 548/2011-4; and
- Order the Office and the other party to the proceedings before the Board of Appeal to bear their own costs and pay those of the applicant.

Pleas in law and main arguments

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

Community trade mark concerned: International Registration of the word mark 'BEYOND VINTAGE', for goods and services in classes 14, 18 and 25 — Community trade mark application No W 994046

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

Mark or sign cited in opposition: Community trade mark registration No 5629035 of the word mark 'BEYOND RETRO', for goods and services in classes 25 AND 35

Decision of the Opposition Division: Upheld the opposition in part

Decision of the Board of Appeal: Dismissed the applicant's appeal in case R 548/2011-4 and annulled the decision of the opposition division in case R 493/2011-4

Pleas in law: Infringement of Article 8(1)(b) of Council Regulation No 207/2009.

Action brought on 13 April 2012 — Brauerei Beck v OHIM — Aldi (Be Light)

(Case T-172/12)

(2012/C 194/40)

Language in which the application was lodged: English

Parties

Applicant: Brauerei Beck GmbH & Co. KG (Bremen, Germany) (represented by: G. Hasselblatt and V. Töbelmann, lawyers)

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

Other party to the proceedings before the Board of Appeal: Aldi GmbH & Co. KG (Mülheim an der Ruhr, Germany)