

Action brought on 30 July 2012 — El Hogar Perfecto del Siglo XXI v OHIM — Wenf International Advisers (Corkscrews)

(Case T-337/12)

(2012/C 287/68)

Language in which the application was lodged: Spanish

Parties

Applicant: El Hogar Perfecto del Siglo XXI, SL (Madrid, Spain) (represented by: C. Ruiz Gallegos and E. Veiga Conde, lawyers)

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

Other party to the proceedings before the Board of Appeal: Wenf International Advisers Ltd (Tortola, Virgin Islands)

Form of order sought

— Annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 1 June 2012 in Appeal R 89/2011-3;

— order OHIM and the intervener to pay the costs

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: Design for corkscrews — Community design 00083 0831-0001

Proprietor of the Community design: The applicant

Applicant for the declaration of invalidity of the Community design: Wenf International Advisers Ltd

Grounds for the application for a declaration of invalidity: National design for bottle openers

Decision of the Cancellation Division: Application upheld

Decision of the Board of Appeal: Appeal dismissed

Pleas in law:

— Infringement of Articles 4 and 6(1) of Regulation (EC) No 6/2002

— Infringement of Articles 4 and 6(2) of Regulation (EC) No 6/2002

Action brought on 30 July 2012 — Grupo T Diffusión v OHIM — ABR Producción Contemporánea (Lamps)

(Case T-343/12)

(2012/C 287/69)

Language in which the application was lodged: Spanish

Parties

Applicant: Grupo T Diffusión (El Prat de Llobregat, Spain) (represented by: A. Lasala Grimalt, lawyer)

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

Other party to the proceedings before the Board of Appeal: ABR Producción Contemporánea, SL (Barcelona, Spain)

Form of order sought

— Annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 1 June 2012 in Case R 1622/2010-3 concerning invalidity proceedings in respect of Community design No 000 42 7448-0001 and declare that design to be fully effective and valid, with no order for costs against Grupo T Diffusión, SA in respect of the costs of ABR and OHIM

Pleas in law and main arguments

Registered Community design in respect of which a declaration of invalidity has been sought: Design for a lamp — Registered Community Design No 000 42 7448-0001

Proprietor of the Community design: The applicant

Applicant for the declaration of invalidity of the Community design: ABR Producción Contemporánea, SL

Grounds for the application for a declaration of invalidity: Prior design of a 'Cypress' standard lamp

Decision of the Cancellation Division: Application for a declaration of invalidity upheld

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Articles 6 and 7 of Regulation (EC) No 6/2002