

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *The costs are reserved.*

Action brought on 8 August 2012 — Vuitton Malletier v OHIM — Nanu-Nana (Device of a chequer-board pattern)**(Case T-360/12)**

(2012/C 319/20)

*Language in which the application was lodged: English***Parties**

Applicant: Louis Vuitton Malletier (Paris, France) (represented by: P. Roncaglia, G. Lazzaretti and N. Parrotta, lawyers)

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

Other party to the proceedings before the Board of Appeal: Nanu-Nana Handelsgesellschaft mbH für Geschenkartikel & Co. KG (Berlin, Germany)

Form of order sought

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 16 May 2012 in case R 1854/2011-1;
- Order OHIM to pay the costs incurred by the applicant during these proceedings; and
- Order Nanu-Nana Handelsgesellschaft mbH für Geschenkartikel & Co. KG to pay the costs incurred by the applicant in the proceedings before the OHIM Cancellation Division and Boards of Appeal.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: The figurative mark representing a device of a checked pattern for goods in class 18 — Community trade mark application No 6587851

Proprietor of the Community trade mark: The applicant

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

Grounds for the application for a declaration of invalidity: The other party to the proceedings before the Board of Appeal filed its request for declaration of invalidity against the CTM on the basis of absolute grounds, namely Article 52(1)(a) in connection with Article 7(1)(b), (c), (d), (e)(iii) and (f) of Council Regulation No 207/2009, and on absolute grounds under Article 52(1)(b) of Council Regulation No 207/2009

Decision of the Cancellation Division: Upheld the request for invalidity in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law:

— Infringement of Article 7(1)(b) of Council Regulation No 207/2009; and

— Infringement of Article 7(3) and Article 52(2) of Council Regulation No 207/2009.

Action brought on 6 August 2012 — Premiere Polish v OHIM — Donau Kanol (ECOFORCE)**(Case T-361/12)**

(2012/C 319/21)

*Language in which the application was lodged: English***Parties**

Applicant: Premiere Polish Co., Ltd (Cheltenham, United Kingdom) (represented by: C. Jones and M. Carter, Solicitors)

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

Other party to the proceedings before the Board of Appeal: Donau Kanol GmbH & Co KG (Ried im Traunkreis, Austria)

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 8 June 2012 in case R 851/2011-4;
- Allow the applicant's Community trade mark application No 8777005 in its entirety or in the alternative, the proceedings be remitted to the Board of Appeal; and
- Order the Office to pay the applicant's costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'ECOFORCE' for goods in class 3 — Community trade mark application No 8777005

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 registration No 7243173 of the figurative mark 'ECO FORTE' for goods in classes 1, 3 and 5

Decision of the Opposition Division: Upheld the opposition

Decision of the Board of Appeal: Dismissed the appeal

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

Action brought on 10 August 2012 — Katjes Fassin v OHIM (Yoghurt-Gums)

(Case T-366/12)

(2012/C 319/22)

Language of the case: German

Parties

Applicant: Katjes Fassin GmbH & Co. KG (Emmerich am Rhein, Germany) (represented by T. Schmitz, lawyer)

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

Form of order sought

The applicant claims that the Court should:

— annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 June 2012 in Case R 523/2012-4 and amend it in such a way that the appeal is dismissed in its entirety;

— order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: the figurative mark including the word element 'Yoghurt-Gums' for goods in Classes 6, 24 and 30 — Community trade mark application No 9 455 197

Decision of the Examiner: partial rejection of the application

Decision of the Board of Appeal: dismissal of the appeal

Pleas in law:

— Infringement of Article 7(1)(c) of Regulation No 207/2009

— Infringement of Article 7(1)(b) of Regulation No 207/2009

Action brought on 10 August 2012 — MOL v OHIM — Banco Bilbao Vizcaya Argentaria (MOL Blue Card)

(Case T-367/12)

(2012/C 319/23)

Language in which the application was lodged: English

Parties

Applicant: MOL Magyar Olaj- és Gázipari Nyrt. (Budapest, Hungary) (represented by: K. Szamosi, lawyer)

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

Other party to the proceedings before the Board of Appeal: Banco Bilbao Vizcaya Argentaria, SA (Bilbao, Spain)

Form of order sought

— Alter the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 30 May 2012 in case R 2532/2011-2, and render the registration of the contested trade mark application as a Community trade mark with regard to all goods and services concerned; and

— Order the defendant to pay the applicant's costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'MOL Blue Card' for among other goods and services in classes 35 and 36 — Community trade mark application No W01030440