

Decision of the Examiner: Rejected the CTM application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(b) and (c) of Council Regulation No 207/2009.

Action brought on 20 August 2012 — American Express Marketing & Development v OHIM (EUROPEAN IP ZONE)

(Case T-371/12)

(2012/C 319/26)

Language of the case: English

Parties

Applicant: American Express Marketing & Development Corp. (New York, United States) (represented by: V. Spitz, A. Gaul, T. Golda, and S. Kirschstein-Freund, lawyers)

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

Form of order sought

— Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 June 2012 in case R 1453/2011-2;

— In the alternative, amend the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 June 2012 in case R 1453/2011-2, and rule that the appeal is justified; and

— Order the defendant to pay the costs of the appeal proceedings and of the proceedings before the Court.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'EUROPEAN IP ZONE' for services in class 42 — Community trade mark application No 9488041

Decision of the Examiner: Rejected the CTM application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(b) and (c) of Council Regulation No 207/2009.

Action brought on 20 August 2012 — REWE-Zentral v OHIM — Planet GDZ (PRO PLANET)

(Case T-373/12)

(2012/C 319/27)

Language in which the application was lodged: German

Parties

Applicant: REWE-Zentral AG (Cologne, Germany) (represented by: M. Kinkeldey and A. Bognár, lawyers)

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

Other party to the proceedings before the Board of Appeal: Planet GDZ AG (Tagelswangen, Switzerland)

Form of order sought

The applicant claims that the Court should:

— annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 June 2012 in Case R 1350/2011-1;

— 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: the figurative mark including the word element 'PRO PLANET' for goods in Classes 6, 17 and 19

Proprietor of the mark or sign cited in the opposition proceedings: Planet GDZ AG

Mark or sign cited in opposition: the international registration of the word mark 'PLANET' for goods in Classes 6 and 19

Decision of the Opposition Division: the opposition was upheld

Decision of the Board of Appeal: the appeal was dismissed

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