

**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 figurative mark in black and white 'B', for goods in classes 9 and 25 — Community trade mark application No 8483562

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

*Mark or sign cited in opposition:* International trade mark registration No 401319 of the figurative mark representing a device of extended wings with a geometric design in the middle, for goods in classes 7, 9 and 14

*Decision of the Opposition Division:* Rejected the opposition in its entirety

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Articles 8(1)(b) and 8(5) of Council Regulation No 207/2009.

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**Action brought on 19 November 2012 — Automobile Association v OHIM — Duncan Petersen Publishing (Folders)**

(Case T-508/12)

(2013/C 26/126)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* The Automobile Association Ltd (St. Helier, United Kingdom) (represented by: N. Walker, Solicitor)

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

*Other party to the proceedings before the Board of Appeal:* Duncan Petersen Publishing Ltd (London, United Kingdom)

**Form of order sought**

The applicant claims that the Court should:

— Annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 September 2012 in case R 172/2011-3, and remit the matter back to OHIM for reconsideration; and

— Order OHIM to pay the costs of the applicant.

**Pleas in law and main arguments**

*Registered Community design in respect of which a declaration of invalidity has been sought:* A design for the product 'folders' — registered Community design No 1121404-0001

*Proprietor of the Community design:* The other party to the proceedings before the Board of Appeal

*Applicant for the declaration of invalidity of the Community design:* The applicant

*Grounds for the application for a declaration of invalidity:* The applicant requested the invalidity of the RCD based on Articles 4 to 9 of Council Regulation No 6/2002

*Decision of the Invalidity Division:* Rejected the application for a declaration of invalidity

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:*

— Infringement of Article 8 of Council Regulation No 6/2002;

— Infringement of Article 8(2) in conjunction with Article 62 of Council Regulation No 6/2002; and

— Infringement of Article 25(1)(a) in conjunction with Article 3(a) of Council Regulation No 6/2002.

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**Action brought on 16 November 2012 — Advance Magazine Publishers v OHIM — Nanso Group (TEEN VOGUE)**

(Case T-509/12)

(2013/C 26/127)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* Advance Magazine Publishers, Inc. (New York, United States) (represented by: C. Aikens, Barrister)

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

*Other party to the proceedings before the Board of Appeal:* Nanso Group Oy (Nokia, Finland)

**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 17 September 2012 in case R 147/2011-4 and reject the opposition; and

— Order the opponent to pay the costs incurred by the applicant.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The word mark 'TEEN VOGUE', for among others goods in class 25 — Community trade mark application No 3529476

*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:* Swedish trade mark registration No 126124 of the word mark 'VOGUE', for goods in class 25; Swedish trade mark registration No 43934 for the figurative sign 'Vogue', for goods in class 25; Finish trade mark application No T 199 803 628 for the word mark 'VOGUE', for goods in class 25; Registered auxiliary trade name 'VO Gue'

*Decision of the Opposition Division:* Upheld the opposition for all the contested goods

*Decision of the Board of Appeal:* Dismissed the appeal

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

— Order the defendant to pay the costs including the costs incurred in the appeal proceedings

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* the applicant

*Community trade mark concerned:* the word mark 'EuroSky' for goods in Class 9 — Community trade mark application No 4 539 896

*Proprietor of the mark or sign cited in the opposition proceedings:* Sky IP International Ltd

*Mark or sign cited in opposition:* the national and Community word and figurative mark 'SKY' for goods and services in Classes 9, 16, 18, 25, 28, 35, 36, 38, 41, 42, 43 and 45

*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

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**Action brought on 21 November 2012 — Conrad Electronic v OHIM — Sky IP International (EuroSky)**

(Case T-510/12)

(2013/C 26/128)

*Language in which the application was lodged:* German

**Parties**

*Applicant:* Conrad Electronic SE (Hirschau, Germany) (represented by: P. Mes, C. Graf von der Groeben, G. Rother, J. Bühling, J. Künzel, D. Jestaedt, M. Bergermann, J. Vogtmeier and A. Kramer)

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

*Other party to the proceedings before the Board of Appeal:* Sky IP International Ltd (Isleworth, United Kingdom)

**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 20 September 2012 in Case R 1183/2011-4;

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**Action brought on 22 November 2012 — NCL v OHIM (NORWEGIAN GETAWAY)**

(Case T-513/12)

(2013/C 26/129)

*Language of the case:* German

**Parties**

*Applicant:* NCL Corporation Ltd (Miami, United States of America) (represented by N. Gröger, lawyer)

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

**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) in case R 1014/2012-4 of 12 September 2012 and refer the case back to the Board of Appeal;

— in the alternative, annul the decision in respect of services in Class 39: 'Arranging of cruises, Cruise ship services, Cruise arrangement' and refer the case back to the Board of Appeal;

— order the defendant to pay the costs.