

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

Other party to the proceedings before the Board of Appeal: Tom Tailor GmbH (Hamburg, Germany)

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 17 September 2012 in case R 729/2011-2, in its entirety; and
- 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 'T', for goods in classes 9 and 25 — Community trade mark application No 8543183

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 1368232 of the figurative mark 'T', for goods in classes 9, 18 and 25; Community trade mark registration No 2747996 of the figurative mark 'T', for goods in classes 3, 6, 9, 14, 18, 21, 24, 25 and 28

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

Decision of the Board of Appeal: Annulled the contested decision and rejected the Community trade mark application

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

Action brought on 7 December 2012 — IBSolution v OHIM — IBS (IBSolution)

(Case T-533/12)

(2013/C 46/35)

Language in which the application was lodged: English

Parties

Applicant: IBSolution GmbH (Neckarsulm, Germany) (represented by: F. Ekey, lawyer)

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

Other party to the proceedings before the Board of Appeal: IBS AB (Solna, Sweden)

Form of order sought

The applicant claims that the Court should:

- Declare the action to be well founded;
- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 21 September 2012 in case R 771/2011-2;
- Amend the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 21 September 2012 in case R 771/2011-2, by granting registration of the trade mark applied for; and
- 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 word mark 'IBSolution', for services in classes 35, 41 and 42 — Community trade mark application No 8421877

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 38729 of the figurative mark 'IBS', for goods and services in classes 9, 16, 35, 41 and 42

Decision of the Opposition Division: Partially upheld the opposition

Decision of the Board of Appeal: Dismissed the appeal

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

Action brought on 12 December 2012 — Zafeiropoulos v European Centre for the Development of Vocational Training (Cedefop)

(Case T-537/12)

(2013/C 46/36)

Language of the case: Greek

Parties

Applicant: Panteleimon Zafeiropoulos (Thessaloniki, Greece) (represented by: M. Kontogiorgos, lawyer)