

Pleas in law and main arguments

Community trade mark concerned: The figurative mark in white, black and green containing the verbal element 'DUALSAW' for goods and services in Classes 7, 8 and 35 — Community trade mark application No 12 027 561

Decision of the Examiner: Partially rejected the application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 7(1)(b), (c) and 7(2) of Regulation No 207/2009.

Action brought on 2 September 2014 — Infusion Brands v OHIM (DUALTOOLS)

(Case T-648/14)

(2014/C 380/27)

Language of the case: English

Parties

Applicant: Infusion Brands, Inc. (Myer Lake Circle Clearwater, United States) (represented by: K. Piepenbrink, 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 1 July 2014 given in Case R 398/2014-4;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Community trade mark concerned: The figurative mark in white, black and green containing the verbal element 'DUALTOOLS' for goods and services in Classes 7, 8 and 35 — Community trade mark application No 12 027 496

Decision of the Examiner: Partially rejected the application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 7(1)(b), (c) and 7(2) of Regulation No 207/2009.
