

**Action brought on 16 August 2006 — JAKO-O v OHIM  
— P.I. Fashion (JAKO-O)**

(Case T-220/06)

(2006/C 249/33)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* JAKO-O Möbel und Spielmittel für die junge Familie GmbH (Bad Rodach, Germany) (represented by: E. Bertram, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* P.I. Fashion B.V. (Amsterdam, The Netherlands)

**Form of order sought**

- Annulment of the decision of the Second Board of Appeal of 14 June 2006 (Case R 1178/2005-2) of the Office of Harmonisation in the Internal Market;
- rejection of the opposition No B 553695 against CTM application No 2395564;
- order the costs of the proceedings to be borne by the defendant.

**Pleas in law and main arguments**

*Applicant for the Community trade mark:* The applicant

*Community trade mark concerned:* The Community word mark 'JAKO-O' for goods and services in classes 3, 8, 9, 11, 12, 14, 15, 16, 18, 20, 21, 24, 25, 28, 39 and 41 (soaps, perfumery, essential oils, cosmetics) — application No 2395564.

*Proprietor of the mark or sign cited in the opposition proceedings:* P.I. Fashion B.V.

*Mark or sign cited:* The national figurative mark 'LAGERFELD JAKO' for goods and services in Class 3.

*Decision of the Opposition Division:* Opposition upheld for the contested goods.

*Decision of the Board of Appeal:* Dismissal of the appeal.

*Pleas in law:* Infringement of Article 8(1)(b) of Council Regulation 40/94.

The applicant argues that there is no similarity between the earlier right and the community trademark application either phonetically, visually or conceptually and therefore, no likelihood of confusion in the sense of the above-mentioned article. The likelihood of confusion is further reduced, according to the applicant, by the fame attributed to the element LAGERFELD by the average consumer, which is to be regarded as the dominant element of the mark.

**Action brought on 14 August 2006 — Italian Republic v Commission**

(Case T-222/06)

(2006/C 249/34)

*Language of the case: Italian*

**Parties**

*Applicant:* Italian Republic (represented by: Paolo Gentili, lawyer)

*Defendants:* Commission of the European Communities

**Form of order sought**

The Court is asked to:

- annul Memorandum No 04673 of 6 June 2006 of the European Commission, Directorate-General for Regional Policy — Programmes and projects in Cyprus, Greece, Hungary, Italy, Malta and the Netherlands — concerning payments made by the Commission which differ from the amount requested. Ref. Programme SPD Piemonte (No CCI 2000 IT 16 2 DO 007);
- annul all related and prior measures and, consequently, order the Commission of the European Communities to pay the costs.

**Pleas in law and main arguments**

The pleas in law and main arguments are similar to those relied on in Case T-345/04 *Italian Republic v Commission* (1)

(1) OJ C 262, 23.10.2004, p. 55.