

Forms of order sought

- Annul the decision of the First Board of Appeal of 10 April 2008 — R 709/2007-1, notified on 15 April 2008;
- Order AD Bulgartabac Holding to pay the reimbursable costs, including those of the main proceedings and including those of the defendant;
- In the alternative, while annulling the decision of 10 April 2008 and that of 7 March 2007 — 1415C — declare that the application by AD Bulgartabac Holding of 8 November 2005 was inadmissible.

Pleas in law and main arguments

Registered Community trade mark in respect of which revocation was applied for: the figurative mark 'Bahman' for goods in Class 34 (Community trade mark No 427 336).

Proprietor of the Community trade mark: Iranian Tobacco Company.

Applicant in the revocation proceedings: AD Bulgartabac Holding.

Decision of the Cancellation Division: Decision declaring the Community trade mark concerned to be revoked.

Decision of the Board of Appeal: Dismissal of the applicant's appeal.

Pleas in law: The admissibility requirements concerning the application by AD Bulgartabac Holding which OHIM is obliged to consider of its own motion were not taken into account, contrary to Community law, Regulation (EC) No 40/94 ⁽¹⁾ and other principles of procedure.

⁽¹⁾ Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).

Action brought on 13 June 2008 — Mineralbrunnen Rhön-Sprudel Egon Schindel v OHIM — Schwarzbräu (ALASKA)

(Case T-225/08)

(2008/C 223/82)

Language in which the application was lodged: German

Parties

Applicant: Mineralbrunnen Rhön-Sprudel Egon Schindel GmbH (Ebersburg, Germany) (represented by: P. Wadenbach, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Schwarzbräu GmbH (Zusmarshausen, Germany)

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) of 8 April 2008 (Case R 877/2004-4);
- Completely delete the Community trade mark No 505 552 'ALASKA' owing to the existence of absolute grounds for refusal;
- Order the defendant to bear the costs of the proceedings;
- In the alternative to the second application, declare Community trade mark No 505 552 'ALASKA' invalid at least in respect of the following goods: 'Mineral waters and carbonated waters and other non-alcoholic drinks in Class 32'.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: the figurative mark 'ALASKA' for goods in Class 32 (Community trade mark No 505 552)

Proprietor of the Community trade mark: Schwarzbräu GmbH

Applicant for the declaration of invalidity: Mineralbrunnen Rhön-Sprudel Egon Schindel GmbH

Decision of the Cancellation Division: Rejection of the application for the declaration of invalidity of the trade mark concerned.

Decision of the Board of Appeal: Dismissal of the applicant's appeal.

Pleas in law: Infringement of Article 7(1)(b), (c) and (g) of Regulation (EC) No 40/94 ⁽¹⁾.

⁽¹⁾ Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).

Action brought on 13 June 2008 — Mineralbrunnen Rhön-Sprudel Egon Schindel v OHIM — Schwarzbräu (Alaska)

(Case T-226/08)

(2008/C 223/83)

Language in which the application was lodged: German

Parties

Applicant: Mineralbrunnen Rhön-Sprudel Egon Schindel GmbH (Ebersburg, Germany) (represented by: P. Wadenbach, lawyer)