

*Mark or sign cited in opposition:* Community trade mark registration No 1980242 of the figurative mark 'ENSTO', for goods in classes 7, 9 and 11; Community trade mark registration No 40600 of the word mark 'ENSTO', for goods in classes 7, 9, 11 and 16; Finish trade mark registration No 218071 of the word mark 'ENSTO', for goods in classes 7, 9 and 11

*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 Article 8(1)(b) of Council Regulation No 207/2009, as the Board of Appeal erroneously found that there exists a likelihood of confusion between the earlier mark and the Community trade mark application.

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**Action brought on 2 December 2011 — BSH v OHIM (ecodoor)**

**(Case T-625/11)**

(2012/C 32/77)

*Language of the case:* German

#### **Parties**

*Applicant:* BSH Bosch und Siemens Hausgeräte GmbH (Munich, Germany) (represented by S. Biagosch, lawyer)

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

#### **Form of order sought**

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 22 September 2011 in Case R 340/2011-1;

— Order OHIM to bear its own costs and to pay the costs of the applicant.

#### **Pleas in law and main arguments**

*Community trade mark concerned:* Word mark 'ecoDoor' for goods in Classes 7, 9 and 11

*Decision of the Examiner:* Refusal of registration.

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

*Pleas in law:* Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009, since the Community mark concerned is distinctive and not purely descriptive.

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**Action brought on 6 December 2011 — Caventa v OHIM — Anson's Herrenhaus (B BERG)**

**(Case T-631/11)**

(2012/C 32/78)

*Language in which the application was lodged:* German

#### **Parties**

*Applicant:* Caventa AG (Rekingen, Switzerland) (represented by: J. Krenzel, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Anson's Herrenhaus KG (Düsseldorf, Germany)

#### **Form of order sought**

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 15 September 2011 in Case R 2014/2010-1;

— Order OHIM to pay the costs.

#### **Pleas in law and main arguments**

*Applicant for a Community trade mark:* Caventa AG.

*Community trade mark concerned:* Figurative mark containing the word element 'B BERG' for goods in Classes 25 and 28.

*Proprietor of the mark or sign cited in the opposition proceedings:* Anson's Herrenhaus KG.

*Mark or sign cited in opposition:* Word mark 'Christian Berg' for goods and services in Classes 3, 18, 25 and 35.

*Decision of the Opposition Division:* The opposition was rejected.

*Decision of the Board of Appeal:* The appeal was upheld and registration refused.

*Pleas in law:* There is no similarity between the goods at issue and no likelihood of confusion of the signs at issue.