

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'ECOFORCE' for goods in class 3 — Community trade mark application No 8777005

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 7243173 of the figurative mark 'ECO FORTE' for goods in classes 1, 3 and 5

Decision of the Opposition Division: Upheld the opposition

Decision of the Board of Appeal: Dismissed the appeal

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

Action brought on 10 August 2012 — Katjes Fassin v OHIM (Yoghurt-Gums)

(Case T-366/12)

(2012/C 319/22)

Language of the case: German

Parties

Applicant: Katjes Fassin GmbH & Co. KG (Emmerich am Rhein, Germany) (represented by T. Schmitz, 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 11 June 2012 in Case R 523/2012-4 and amend it in such a way that the appeal is dismissed in its entirety;

— order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: the figurative mark including the word element 'Yoghurt-Gums' for goods in Classes 6, 24 and 30 — Community trade mark application No 9 455 197

Decision of the Examiner: partial rejection of the application

Decision of the Board of Appeal: dismissal of the appeal

Pleas in law:

— Infringement of Article 7(1)(c) of Regulation No 207/2009

— Infringement of Article 7(1)(b) of Regulation No 207/2009

Action brought on 10 August 2012 — MOL v OHIM — Banco Bilbao Vizcaya Argentaria (MOL Blue Card)

(Case T-367/12)

(2012/C 319/23)

Language in which the application was lodged: English

Parties

Applicant: MOL Magyar Olaj- és Gázipari Nyrt. (Budapest, Hungary) (represented by: K. Szamosi, lawyer)

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

Other party to the proceedings before the Board of Appeal: Banco Bilbao Vizcaya Argentaria, SA (Bilbao, Spain)

Form of order sought

— Alter the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 30 May 2012 in case R 2532/2011-2, and render the registration of the contested trade mark application as a Community trade mark with regard to all goods and services concerned; and

— Order the defendant to pay the applicant's costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'MOL Blue Card' for among other goods and services in classes 35 and 36 — Community trade mark application No W01030440