

Action brought on 4 September 2012 — Tsujimoto v OHIM — Kenzo (KENZO)

(Case T-393/12)

(2012/C 355/67)

*Language in which the application was lodged: English***Parties***Applicant:* Kenzo Tsujimoto (Osaka, Japan) (represented by: A. Wenninger-Lenz, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Kenzo SA (Paris, France)**Form of order sought**

— Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 29 May 2012 in case R 1659/2011-2; and

— Order the defendant to bear the costs of the proceedings.

Pleas in law and main arguments*Applicant for a Community trade mark:* The applicant*Community trade mark concerned:* The word mark 'KENZO', for goods in class 33 — Community trade mark application No 6334544*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 720706 for the word mark 'KENZO', for goods and services in classes 3, 18 and 25*Decision of the Opposition Division:* Rejected the opposition*Decision of the Board of Appeal:* Annulled the contested decision and rejected the CTM application in its entirety*Pleas in law:*

— Infringement of Article 8(5) of Council Regulation No 40/94; and

— Infringement of Articles 75 and 76 of Council Regulation No 40/94.

Action brought on 4 September 2012 — Fetim v OHIM — Solid Floor (Solidfloor The professional's choice)

(Case T-395/12)

(2012/C 355/68)

*Language in which the application was lodged: English***Parties***Applicant:* Fetim BV (Amsterdam, Netherlands) (represented by: L. Bakers, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Solid Floor Ltd (London, United Kingdom)**Form of order sought**

— Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 June 2012 in case R 884/2011-2; and

— Order OHIM to pay the costs of the proceedings.

Pleas in law and main arguments*Applicant for a Community trade mark:* The applicant*Community trade mark concerned:* The figurative mark 'Solidfloor The professional's choice', for goods in class 19 — Community trade mark application No 5667837*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:* United Kingdom trade mark registration No 2390415 of the figurative mark 'SOLID floor', for goods in classes 19 and 37; Trade name 'Solid Floor Ltd' used in the course of trade in the United Kingdom; Domain name 'SOLID floor' used in the course of trade in the United Kingdom*Decision of the Opposition Division:* Rejected the opposition in its entirety*Decision of the Board of Appeal:* Annulled the contested decision, upheld the opposition in its entirety and rejected the CTM application*Pleas in law:* Infringement of Article 8(1)(b) of Council Regulation No 207/2009.