

Action brought on 30 July 2012 — Gandia Blasco v OHIM — Sachi Premium — Outdoor Furniture (Armchairs)

(Case T-339/12)

(2012/C 295/50)

*Language in which the application was lodged: English***Parties***Applicant:* Gandia Blasco, SA (Valencia, Spain) (represented by: I. Sempere Massa, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Sachi Premium — Outdoor Furniture, L^{da} (Estarreja, Portugal)**Form of order sought**

— Annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 25 May 2012 (R 970/2011-3) Declare the contested Community Design No 1512633-0001 invalid; and

— Order OHIM to pay the costs.

Pleas in law and main arguments*Registered Community design in respect of which a declaration of invalidity has been sought:* A design for 'armchairs, loungers' — registered Community design No 1512633-0001*Proprietor of the Community design:* The other party to the proceedings before the Board of Appeal*Applicant for the declaration of invalidity of the Community design:* The applicant*Grounds for the application for a declaration of invalidity:* The applicant requested the invalidation of the RCD based on Articles 4 to 9 of Council Regulation No 6/2002; Community design registration No 52113-0001, for 'armchairs'*Decision of the Cancellation Division:* Rejected the application for a declaration of invalidity*Decision of the Board of Appeal:* Dismissed the appeal*Pleas in law:* Infringement of Articles 4 to 9 of Council Regulation No 6/2002**Action brought on 1 August 2012 — Fuchs/OHIM — Les Complices (Star)**

(Case T-342/12)

(2012/C 295/51)

*Language in which the application was lodged: English***Parties***Applicant:* Max Fuchs (Freyung, Germany) (represented by: C. Onken, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Les Complices SA (Montreuil-sous-Bois, France)**Form of order sought**

— Annul the decision of the Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 8 May 2012 in case R 2040/2011-5;

— Reject the opposition No 1299967 in its entirety; and

— Order the defendant and the other party before the Board of Appeal to bear the costs.

Pleas in law and main arguments*Applicant for a Community trade mark:* The applicant*Community trade mark concerned:* The figurative mark representing a black star, for goods in classes 18, 24 and 25 — Community trade mark application No 5588694*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 632232 of the figurative mark representing a white star in a black circle, for goods in classes 3, 9, 14, 16, 18, 20, 24 and 28; French trade mark registration No 1579557 of the figurative mark representing a white star in a black circle, for goods in class 25*Decision of the Opposition Division:* Upheld the opposition for part of the contested goods*Decision of the Board of Appeal:* Dismissed the appeal*Pleas in law:* Infringement of Article 8(1)(b) of Council Regulation No 207/2009