

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 Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 26 June 2013 given in Case R 187/2013-2.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'THE YOUTH EXPERTS' for goods and services in Classes 3, 5 and 44 — International registration No 1 112 578 designating the European Union

Decision of the Examiner: Refused the application for registration

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 7(1)(b) and 7(2) CTMR.

Action brought on 11 September 2013 — Perfetti Van Melle Benelux v OHIM — Kraft Foods Global Brands (TRIDENT PURE)

(Case T-491/13)

(2013/C 344/110)

Language in which the application was lodged: English

Parties

Applicant: Perfetti Van Melle Benelux BV (Breda, Netherlands) (represented by: P. Perani, G. Ghisletti and F. Braga, lawyers)

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

Other party to the proceedings before the Board of Appeal: Kraft Foods Global Brands LLC (Northfield, United States)

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 9 July 2013 given in Case R 706/2012-4; and
- Order the defendant to pay the costs of present proceedings and the other party to pay the costs of present proceedings, as well as those incurred before the Board of Appeal.

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The word mark 'TRIDENT PURE' for goods in Class 30 — Community trade mark registration No 9 352 642

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: The figurative mark in black and white containing the verbal elements 'PURE WHITE' for goods in Class 30 — Community trade mark No 6 771 869; the figurative mark in black and white containing the verbal elements 'mentos PURE FRESH PURE BREATH' for goods in Class 30 — Community trade mark No 8 813 487; the figurative mark in white, light blue, blue and green containing the verbal element 'PURE' for goods in Class 30 — Community trade mark registration 9 291 634; the word mark 'PURE FRESH' for goods in Class 30 — French trade mark No 63 431 610; the figurative mark in various shades of blue and white containing the verbal elements 'mentos PURE FRESH' for goods in Class 30 — International registration No 932 886 with effect in Bulgaria, the Czech Republic, Denmark, Germany, Greece, Spain, France, Hungary, Poland, Portugal, Slovenia, Slovakia, Finland and Sweden; the figurative mark in black and white containing the verbal elements 'mentos PURE FRESH' for goods in Class 30 — Italian trade mark No 1 280 532; the figurative mark in various shades of blue and white containing the verbal elements 'mentos PURE FRESH' for goods in Class 30 — Benelux trade mark No 820 421; the figurative mark in black and white containing the verbal elements 'mentos PURE WHITE' for goods in Class 30 — Benelux trade mark No 864 652

Decision of the Opposition Division: Upheld the opposition

Decision of the Board of Appeal: Admitted the appeal and rejected the opposition

Pleas in law: Infringement of Article 8(1)(b) CTMR.

Action brought on 16 September 2013 — Sales & Solutions v OHIM — Incenda Holding (watt)

(Case T-494/13)

(2013/C 344/111)

Language in which the application was lodged: German

Parties

Applicant: Sales & Solutions (Frankfurt am Main, Germany) (represented by: K. Gründig-Schnelle, lawyer)