

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

*Mark or sign cited in opposition:* Romanian trade marks Nos 38 089 and 80 065

*Decision of the Opposition Division:* Rejected the opposition in its entirety

*Decision of the Board of Appeal:* Dismissed the appeal

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

— order the defendant and the other party to the proceedings before the Board of Appeal to pay the applicant's costs in the proceedings.

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

*Applicant for a Community trade mark:* Granette & Starorežná Distilleries

*Community trade mark concerned:* Figurative mark containing the word elements '42 VODKA JEMNÁ VODKA VYRÁBĚNÁ JEDINEČNOU TECHNOLOGIÍ 42 % vol.'

*Proprietor of the mark or sign cited in the opposition proceedings:* Bacardi Co. Ltd

*Mark or sign cited in opposition:* International and national trade mark containing the word element '42 BELOW'

*Decision of the Opposition Division:* Opposition upheld in its entirety

*Decision of the Board of Appeal:* Appeal dismissed

*Pleas in law:* Infringement of Article 8(1)(b) of the Community Trade Mark Regulation

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**Action brought on 25 November 2013 — Granette & Starorežná Distilleries v OHIM — Bacardi (42 VODKA JEMNÁ VODKA VYRÁBĚNÁ JEDINEČNOU TECHNOLOGIÍ 42 % vol.)**

**(Case T-607/13)**

(2014/C 45/62)

*Language in which the application was lodged:* Czech

### **Parties**

*Applicant:* Granette & Starorežná Distilleries a.s. (Ústí nad Labem, Czech Republic) (represented by: T. Chleboun, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Bacardi Co. Ltd (Vaduz, Liechtenstein)

### **Form of order sought**

The applicant claims that the Court should:

- join the proceedings in this case to the proceedings in Case T-435/12;
- dismiss the action brought by the other party to the proceedings before the Board of Appeal against the defendant's decision of 9 July 2012 in Case R 2100/2011-2 (Case T-435/12);
- alter the defendant's decision of 16 September 2013 in Case R 1605/2012-2 so as to reject the form of order sought by the other party to the proceedings No B 1753550 against the application for the Community trade mark '42 VODKA JEMNÁ VODKA VYRÁBĚNÁ JEDINEČNOU TECHNOLOGIÍ 42 % vol';

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**Action brought on 25 November 2013 — Oracle America v OHIM — Aava Mobile (AAVA CORE)**

**(Case T-618/13)**

(2014/C 45/63)

*Language in which the application was lodged:* English

### **Parties**

*Applicant:* Oracle America, Inc. (Wilmington, United States) (represented by: T. Heydn, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Aava Mobile Oy (Oulu, Finland)

### **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 11 September 2013 given in Case R 1369/2012-2;

— Order the defendant to pay the costs of proceedings.

### **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 'AAVA CORE' for goods and services in Classes 9, 38 and 42 — Community trade mark application No 9 712 811

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

*Mark or sign cited in opposition:* Community trade mark registration No 6 551 626 of the word mark 'JAVA' for goods and services in Classes 9, 16, 35, 37, 38, 41, 42 and 45; well-known trade mark 'JAVA' in all Member States of the European Union for goods and services in Classes 9, 38 and 42

*Decision of the Opposition Division:* Rejected the opposition in its entirety

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Articles 8(1)(b) and 8(5) CTMR.

### **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 figurative mark claiming the colour green containing the verbal element 'Darjeeling' for Classes 25, 35 and 38 — the Community trade mark application No 9 466 269

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

*Mark or sign cited in opposition:* Community collective trade mark registration No 4 325 718 of the word mark 'DARJEELING' for goods in Class 30; Community collective trade mark registration No 8 674 327 of the figurative mark containing the verbal element 'DARJEELING' for goods in Class 30

*Decision of the Opposition Division:* Rejected the opposition

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Articles 8(1)(b) and 8(5) CTMR.

### **Action brought on 25 November 2013 — The Tea Board v OHIM — Delta Lingerie (Darjeeling)**

(Case T-624/13)

(2014/C 45/64)

*Language in which the application was lodged:* English

### **Parties**

*Applicant:* The Tea Board (Calcutta, India) (represented by: A. Nordemann, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Delta Lingerie (Cachan, France)

### **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 17 September 2013 given in Case R 1504/2012-2;

— Order the defendant to pay the costs of proceedings.

### **Action brought on 25 November 2013 — The Tea Board v OHIM — Delta Lingerie (Darjeeling collection de lingerie)**

(Case T-625/13)

(2014/C 45/65)

*Language in which the application was lodged:* English

### **Parties**

*Applicant:* The Tea Board (Calcutta, India) (represented by: A. Nordemann, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Delta Lingerie (Cachan, France)

### **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 17 September 2013 given in Case R 1502/2012-2;