

Decision of the Cancellation Division: the application for cancellation was granted in part

Decision of the Board of Appeal: the contested decision was partially annulled to the effect that the disputed mark was declared to be revoked in its entirety. The appeal of Hipp & Co. was dismissed.

Pleas in law:

- Infringement of Article 75 of Regulation No 207/2009
- Infringement of Article 51(1)(b) of Regulation No 207/2009
- Infringement of Article 78 of Regulation No 207/2009

Action brought on 30 April 2014 — Drogenhilfe Köln Projekt v OHIM (Rauschbrille)

(Case T-319/14)

(2014/C 212/49)

Language of the case: German

Parties

Applicant: Drogenhilfe Köln Projekt gGmbH (Cologne, Germany) (represented by V. Schoene, 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 First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 29 January 2014 in Case R 1356/2013-1 and refer the case back to OHIM for reconsideration

Pleas in law and main arguments

Community trade mark concerned: the word mark 'Rauschbrille' for goods and services in Classes 9, 41 and 44

Decision of the Examiner: the application was rejected

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009

Action brought on 5 May 2014 — Sephora v OHIM — Mayfield Trading (Representation of two vertical lines)

(Case T-320/14)

(2014/C 212/50)

Language in which the application was lodged: French

Parties

Applicant: Sephora (Boulogne Billancourt, France) (represented by: H. Delabarre, lawyer)

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

Other party to the proceedings before the Board of Appeal: Mayfield Trading Ltd (Las Vegas, United States of America)

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 of 24 February 2014 in Case R 1577/2013-4;

- uphold the opposition and reject the application for registration of the Community trade mark No 10 214 773 lodged on 24 August 2011 by the company Mayfield Trading Ltd, for the goods in Class 3 ‘Perfumery goods; depilatory wax; essential oils; soaps; cosmetics; cosmetic creams; cosmetics kits (filled); depilatories; depilatory water; depilatory gel; hair lotions; dentifrices’ and the services in Classes 35 ‘Sale of soaps, perfumery, creams, essential oils, cosmetics, depilatory waxes, depilatory water, depilatory gel and other related goods’ and 44 ‘Hygienic and beauty care for human beings or animals; hair removal and beauty treatment’;
- order OHIM to pay the costs including those incurred before the Board of Appeal of OHIM.

Pleas in law and main arguments

Applicant for a Community trade mark: Mayfield Trading Ltd

Community trade mark concerned: Figurative mark representing two vertical lines for goods and services in Classes 3, 35 and 44 — Community trade mark application No 10 214 773

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

Mark or sign cited in opposition: National and international figurative mark representing a vertical line for goods in Class 3

Decision of the Opposition Division: Rejection of the opposition

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Breach of Article 75 and Article 8(1)(b) of Regulation No 207/2009

Action brought on 12 May 2014 — Volkswagen v OHIM (STREET)

(Case T-321/14)

(2014/C 212/51)

Language of the case: German

Parties

Applicant: Volkswagen AG (Wolfsburg, Germany) (represented by U. Sander, 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 First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 13 March 2014 in Case R 2025/2013-1;
- Order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: the word mark ‘STREET’ for goods in Classes 12, 28 and 35

Decision of the Examiner: the application was rejected

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Article 7(1)(c) of Regulation No 207/2009
