Pleas in law: The Board of Appeal erred in fact and in law (infringement of Article 7(1)(b) and (c) of Regulation No 207/2009; infringement of Article 52(1)(a) of Regulation No 207/2009)

Action brought on 13 May 2014 — Helbrecht v OHIM — Lenci Calzature (SportEyes)

(Case T-333/14)

(2014/C 235/39)

Language in which the application was lodged: German

Parties

Applicant: Andreas Helbrecht (Hilden, Germany) (represented by: C. König, lawyer)

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

Other party to the proceedings before the Board of Appeal: Lenci Calzature SpA (Turchetto-Montecarlo, Italy)

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 February 2014 in Case R 830/2013-5;

— Order the Office for Harmonisation in the Internal Market (Trade Marks and Designs) and Lenci Calzature SpA, if it should intervene in these proceedings, to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: the word mark 'SportEyes' for goods in Class 25 — Community trade mark application No 7 504 525

Proprietor of the mark or sign cited in the opposition proceedings: Lenci Calzature SpA

Mark or sign cited in opposition: the figurative marks including the word elements 'EYE SPORT EYE', 'EYE fashion EYE' and 'EYE' for goods in Class 25

Decision of the Opposition Division: the opposition was upheld

Decision of the Board of Appeal: the appeal was dismissed

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

Action brought on 21 May 2014 — Lidl Stiftung v OHIM (Deluxe)

(Case T-344/14)

(2014/C 235/40)

Language of the case: German

Parties

Applicant: Lidl Stiftung & Co. KG (Neckarsulm, Germany) (represented by M. Kefferpütz and A. Wrage, lawyers)

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