

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Zumex Group, SA

*Community trade mark concerned:* Figurative mark with word element 'zumex' for goods in Class 32 — Community trade mark application No 6 845 598

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

*Mark or sign cited in opposition:* Word mark 'JUMEX' for goods in Class 32

*Decision of the Opposition Division:* Opposition upheld

*Decision of the Board of Appeal:* Decision of the Opposition Division annulled and opposition rejected

*Pleas in law:*

- Proof of use of the earlier mark;
- Infringement of Article 8(1)(b) and (2) of Regulation No 207/2009.

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**Action brought on 23 May 2014 — CareAbout v OHIM — Florido Rodríguez (Kerashot)**

**(Case T-356/14)**

(2014/C 253/56)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* CareAbout GmbH (Düsseldorf, Germany) (represented by: P. Mes, C. Graf von der Groeben, G. Rother, J. Bühling, A. Verhauwen, J. Künzel, D. Jestaedt, M. Bergermann, J. Vogtmeier and A. Kramer, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* José Luis Florido Rodríguez (Sevilla, Spain)

**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 24 March 2014 in Case R 1569/2013-4 regarding 1., 2. and 4;
- order OHIM to bear the costs of the proceeding before the Court including the costs of the opposition proceeding

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The word mark Kerashot for goods in Classes 1, 3 and 21 — Community trade mark application No 10 669 571

*Proprietor of the mark or sign cited in the opposition proceedings:* José Luis Florido Rodríguez

*Mark or sign cited in opposition:* The national figurative mark containing the word elements 'K KERASOL' for goods in Class 3

*Decision of the Opposition Division:* The opposition was rejected

*Decision of the Board of Appeal:* The decision of the Opposition Division was partially annulled and the opposition partially upheld

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

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**Action brought on 23 May 2014 — Experience Hendrix v OHIM — JH Licence (Jimi Hendrix)**

**(Case T-357/14)**

(2014/C 253/57)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Experience Hendrix LLC (Tukwila, USA) (represented by: M. Vanhegan, Barrister, and P. Gardiner, Solicitor)

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

*Other party to the proceedings before the Board of Appeal:* JH Licence GmbH (Pommelsbrunn, Germany)

**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 24 March 2014 in Case R 782/2012-4;
- declare that the contested community trade mark is invalid;
- order that the community trade mark proprietor pays the applicant its costs incurred before the Cancellation Division;
- order that the defendant pays the applicant its costs incurred before the Board of Appeal and the General Court

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* The word mark 'Jimi Hendrix' for goods and services in Classes 9 and 15 — Community trade mark registration No 4 626 685

*Proprietor of the Community trade mark:* JH Licence GmbH

*Applicant for the declaration of invalidity of the Community trade mark:* The applicant

*Grounds for the application for a declaration of invalidity:* Violation of Articles 52(1)(b) and 53(2)(a) of Regulation No 207/2009

*Decision of the Cancellation Division:* The community trade mark was declared invalid

*Decision of the Board of Appeal:* The decision of the Cancellation Division was annulled and the request for declaration of invalidity rejected

*Pleas in law:*

- Violation of Article 52(1)(b) of Regulation No 207/2009;
- Violation of Article 53(2)(a) and Article 78 of Regulation No 207/2009;