

— Violation of Article 53(2)(a) of Regulation No 207/2009.

**Action brought on 23 May 2014 — Hoteles Catalonia v OHIM — Caixa d'Estalvis de Catalunya
(HOTEL CATALONIA LA PEDRERA)**

(Case T-358/14)

(2014/C 253/58)

Language in which the application was lodged: Spanish

Parties

Applicant: Hoteles Catalonia, SA (Barcelona, Spain) (represented by: J. Grau Mora, A. Torrente Tomás and Y. Sastre Canet, lawyers)

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

Other party to the proceedings before the Board of Appeal: Caixa d'Estalvis de Catalunya (Barcelona, Spain)

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 27 February 2014 in Case R 1227/2013-1 rejecting Community trade mark application No 10 163 814 'HOTEL CATALONIA LA PEDRERA' by HOTELES CATALONIA S.A., which will consequently have to be registered by OHIM;
- order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Hoteles Catalonia, SA

Community trade mark concerned: Word mark 'HOTEL CATALONIA LA PEDRERA' for services in Class 43 — Community trade mark application No 10 163 814

Proprietor of the mark or sign cited in the opposition proceedings: Caixa d'Estalvis de Catalunya

Mark or sign cited in opposition: Community and national word marks 'LA PEDRERA' for services in class 42

Decision of the Opposition Division: Upheld the opposition

Decision of the Board of Appeal: Dismissed the appeal

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

**Action brought on 27 May 2014 — Federación Nacional de Cafeteros de Colombia v OHIM —
Accelerate (COLOMBIANO COFFEE HOUSE)**

(Case T-359/14)

(2014/C 253/59)

Language in which the application was lodged: Spanish

Parties

Applicant: Federación Nacional de Cafeteros de Colombia (Bogotá, Colombia) (represented by: A. Pomares Caballero and M. Pomares Caballero, lawyers)

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

Other party to the proceedings before the Board of Appeal: Accelerate s.a.l. (Beirut, Lebanon)

Form of order sought

The applicant claims that the General Court should:

- alter the decision of the Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 March 2014 so that it declares that the conditions for the application of the relative ground for invalidity in Article 53(1)(c) of Regulation No 2007/2009, or the absolute ground for invalidity in Article 52(1)(a) of Regulation No 207/2009 or the ground for invalidity provided for in Article 14 of Regulation No 510/2006 are satisfied in the present case; and in relation to all the goods and services against which the application for a declaration of invalidity is directed;
- or, in the alternative, annul the contested decision as regards the rejection of the application for a declaration of invalidity in respect of the goods ‘rice, tapioca, sago; Flour and preparations made from cereals; bread, pastry and confectionery; edible ices; Honey; treacle; Yeast, baking powder; salt, mustard; Vinegar, sauces (condiments); Spices; Ice’ in Class 30 and the ‘Services for providing food and drink; Temporary accommodation’ in Class 43;
- and, in any event, order OHIM to bear its own costs and to pay the applicant’s costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: Figurative mark with word elements ‘COLOMBIANO COFFEE HOUSE’ for goods and services in Classes 30 and 43 — Community trade mark No 4 635 553

Proprietor of the Community trade mark: Accelerate s.a.l.

Applicant for the declaration of invalidity of the Community trade mark: Applicant

Grounds for the application for a declaration of invalidity: Protected Geographical Indication ‘Café de Colombia’

Decision of the Cancellation Division: Application for a declaration of invalidity rejected

Decision of the Board of Appeal: Appeal dismissed

Pleas in law:

- Infringement of Article 14 of Regulation No 510/2006;
- Infringement of Article 8(4) of Regulation No 207/2009 in conjunction with Article 13 of Regulation No 510/2006;
- Breach of a procedural requirement through failure to state reasons;
- Infringement of Article 7(1)(k) of Regulation No 207/2009;
- Infringement of Article 7(1)(g) of Regulation No 207/2009.

Action brought on 21 May 2014 — Švyturys-Utenos Alus v OHIM — Nordbrand Nordhausen (KISS)

(Case T-360/14)

(2014/C 253/60)

Language in which the application was lodged: English

Parties

Applicant: Švyturys-Utenos Alus UAB (Utena, Lithuania) (represented by: R. Žabolienė and I. Lukauskienė, lawyers)

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