

Action brought on 14 July 2014 — Matratzen Concord v OHIM — Barranco Rodriguez (Matratzen Concord)**(Case T-526/14)**

(2014/C 303/61)

*Language in which the application was lodged: German***Parties***Applicant:* Matratzen Concord GmbH (Cologne, Germany) (represented by: I. Selting, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other parties to the proceedings before the Board of Appeal:* Mariano Barranco Rodriguez and Pablo Barranco Schnitzler (Sant Just Desvern, 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 9 April 2014 in Case R 1523/2013-1;
- Order the defendant to pay the costs including the costs incurred in the course of the proceedings.

Pleas in law and main arguments*Applicant for a Community trade mark:* the applicant*Community trade mark concerned:* the word mark 'Matratzen Concord' for goods in Classes 10, 20, 24 and 35 — Community trade mark application No 10 359 404*Proprietors of the mark or sign cited in the opposition proceedings:* Mariano Barranco Rodriguez and Pablo Barranco Schnitzler*Mark or sign cited in opposition:* the national word mark 'MATRATZEN' for goods in Classes 20 and 35*Decision of the Opposition Division:* the opposition was upheld in part*Decision of the Board of Appeal:* the appeal was dismissed*Pleas in law:* Infringement of Articles 8(1), 41(1)(a) and 42(2) of Regulation No 207/2009

Action brought on 15 July 2014 — Information Resources v OHIM (Growth Delivered)**(Case T-528/14)**

(2014/C 303/62)

*Language of the case: English***Parties***Applicant:* Information Resources, Inc. (Chicago, United States) (represented by: C. Schulte, 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 Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 5 May 2014 given in Case R 1777/2013-4;
- Order the defendant to bear the costs of proceedings.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'Growth Delivered' for services in Classes 35, 41 and 42

Decision of the Examiner: Refused the application for registration

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(b) and (c) CTMR.

Action brought on 14 July 2014 — adp Gauselmann v OHIM (Multi Win)

(Case T-529/14)

(2014/C 303/63)

Language of the case: German

Parties

Applicant: adp Gauselmann GmbH (Espelkamp, Germany) (represented by P. Koch Moreno, 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 29 April 2014 in Case R 1326/2013-1;
- order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Word mark 'Multi Win' for goods and services in Classes 9, 28 and 41 — Community trade mark application No 11 206 364

Decision of the Examiner: Refused the application

Decision of the Board of Appeal: Rejected the appeal

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