

*Proprietor of the mark or sign cited in the opposition proceedings:* the other party to the proceedings before the Board of Appeal

*Mark or sign cited in opposition:* Community word marks 'MASSI' for goods in classes 9, 25 and 28

*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

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**Action brought on 28 July 2014 — BrandGroup v OHIM — Brauerei S. Riegele, Inh. Riegele (SPEZOOMIX)**

**(Case T-557/14)**

**(2014/C 339/30)**

*Language in which the application was lodged: German*

**Parties**

*Applicant:* BrandGroup GmbH (Bechtsrieth, Germany) (represented by: T. Raible, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Brauerei S. Riegele, Inh. Riegele KG (Augsburg, Germany)

**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 15 May 2014 in Case R 941/2013-1;
- order the Office for Harmonisation in the Internal Market (Trade Marks and Designs) and the Brauerei S. Riegele, Inh. Riegele KG to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* BrandGroup GmbH

*Community trade mark concerned:* The word mark 'SPEZOOMIX' for goods in Classes 32 and 33 — Community trade mark application No 9 913 617

*Proprietor of the mark or sign cited in the opposition proceedings:* Brauerei S. Riegele, Inh. Riegele KG

*Mark or sign cited in opposition:* International and Community word marks 'Spezi', international and Community figurative marks containing the word 'Spezi', and the national word mark 'Ein Spezi muß dabei sein' for goods in Class 32

*Decision of the Opposition Division:* Rejection of the opposition

*Decision of the Board of Appeal:* Annulment of the decision of the Opposition Division and rejection in its entirety of the mark applied for

*Plea in law:* Infringement of Article 8(1)(b) and Article 78(5) of Regulation No 207/2009

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