

- allow Community trade mark application No 10 934 305 to proceed to registration in its entirety or, in the alternative, remit the case to the Board of Appeal;
- order OHIM to pay the costs incurred by the applicant in the present proceedings;
- order Redwell Manufaktur GmbH to pay the costs incurred by the applicant in the proceedings before the Opposition Division and the Board of Appeal.

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009

Action brought on 15 May 2015 — Cryo-Save v OHIM — MedSkin Solutions Dr. Suwelack (Cryo-Save)

(Case T-239/15)

(2015/C 236/59)

Language in which the application was lodged: German

Parties

Applicant: Cryo-Save AG (Freienbach, Switzerland) (represented by: C. Onken, lawyer)

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

Other party to the proceedings before the Board of Appeal: MedSkin Solutions Dr. Suwelack AG (Billerbeck, Germany)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community word mark ‘Cryo-Save’ — Community trade mark No 4 625 216

Procedure before OHIM: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 3 March 2015 in Case R 2567/2013-4

Form of order sought

The applicant claims that the Court should:

- alter the contested decision to the effect that the decision of the Cancellation Division of 30 October 2013 is annulled and the application for revocation of Community trade mark No 4 625 216 is rejected;
- in the alternative: annul the contested decision;
- order OHIM to pay the costs.

Pleas in law

- Infringement of Article 56(2) of Regulation No 207/2009 in conjunction with Rule 37(b)(iv) of Regulation No 2868/95;
- Infringement of Article 51(1)(a) of Regulation No 207/2009.

Action brought on 18 May 2015 — Grupo Bimbo v OHIM (Shape of bars with four circles)**(Case T-240/15)**

(2015/C 236/60)

*Language of the case: Spanish***Parties**

Applicant: Grupo Bimbo, SAB de CV (Mexico City, Mexico) (represented by: N. Fernández Fernández-Pacheco, lawyer)

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

Details of the proceedings before OHIM

Trade mark at issue: Three-dimensional Community trade mark (Shape of bars with four circles) — Application for registration No 12 551 867

Contested decision: Decision of the First Board of Appeal of OHIM of 2 March 2015 in Case R 1602/2014-1

Forms of order sought

The applicant claims that the Court should:

- annul the contested decision because it is unlawful and infringes the legal provisions in force concerning the Community trade mark; deliver a judgment in accordance with the claims set out in the application on the basis of the sufficient intrinsic distinctiveness of the three-dimensional mark applied for; order the registration of the application for a three-dimensional Community trade mark No 12 551 867, for goods in classes 5, 29 and 30 of the International Classification in its entirety;
- order the party opposing that claim to pay the costs or expenses of the proceedings and to reimburse the appeal fees paid to OHIM and the corresponding expenses.

Plea in law

- Infringement of Article 7(1)(b) of Regulation No 207/2009.

Action brought on 18 May 2015 — ACDA and Others v Commission**(Case T-242/15)**

(2015/C 236/61)

*Language of the case: French***Parties**

Applicants: Automobile Club des Avocats — ACDA (Paris, France); Organisation des Transporteurs Routiers Européens — OTRE (Bordeaux, France); Fédération française des motards en colère — FFMC (Paris); Fédération française de motocyclisme (Paris); and Union nationale des automobile clubs (Paris) (represented by: M. Lesage, lawyer)

Defendant: European Commission