

Pleas in law and main arguments

Community trade mark concerned: Word mark 'NORWEGIAN GETAWAY' for services in Class 39 — Community trade mark application No 10 281 939

Decision of the Examiner: Registration refused

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 7(1)(b) and (c) in conjunction with Article 7(2) of Regulation No 207/2009

Action brought on 22 November 2012 — NCL v OHIM (NORWEGIAN BREAKAWAY)

(Case T-514/12)

(2013/C 26/130)

Language of the case: German

Parties

Applicant: NCL Corporation Ltd (Miami, United States of America) (represented by N. Grüger, lawyer)

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

Form of order sought

— Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) in case R 1017/2012-4 of 12 September 2012 and refer the case back to the Board of Appeal;

— in the alternative, annul the decision in respect of services in Class 39: 'Arranging of cruises, Cruise ship services, Cruise arrangement' and refer the case back to the Board of Appeal;

— order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Word mark 'NORWEGIAN BREAKAWAY' for services in Class 39 — Community trade mark application No 10 281 905

Decision of the Examiner: Registration refused

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 7(1)(b) and (c) in conjunction with Article 7(2) of Regulation No 207/2009

Action brought on 22 November 2012 — El Corte Inglés v OHIM — English Cut (The English Cut)

(Case T-515/12)

(2013/C 26/131)

Language in which the application was lodged: Spanish

Parties

Applicant: El Corte Inglés, SA (Madrid, Spain) (represented by: E. Seijo Veiguela, J. Rivas Zurdo and I. Munilla Muñoz, lawyers)

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

Other party to the proceedings before the Board of Appeal: The English Cut, SL (Malaga, Spain)

Form of order sought

The applicant claims that the General 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 6 September 2012 in Case R 1673/2011-1, and declare that, pursuant to Article 8(1)(b) of Regulation No 207/2009, the action brought by the opponent before OHIM should have been upheld and the decision of the Opposition Division to grant Community trade mark application No 8 868 747 'The English Cut' (word mark) should have been annulled;

— order the defendant and the other party opposing this action to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The English Cut, SL

Community trade mark concerned: Word mark 'The English Cut', for goods in Class 25 — Community trade mark application No 8 868 747

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: National and Community word and figurative marks 'El Corte Inglés' for goods in Classes 25 and 35