

Action brought on 28 March 2013 — Skype/OHIM — British Sky Broadcasting and Sky IP International (SKYPE)

(Case T-183/13)

(2013/C 171/54)

*Language in which the application was lodged: English***Parties***Applicant:* Skype (Dublin, Ireland) (represented by: I. Fowler, Solicitor, J. Schmitt, lawyer and J. Mellor, QC)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other parties to the proceedings before the Board of Appeal:* British Sky Broadcasting Group plc (Isleworth, United Kingdom) and Sky IP International Ltd (Isleworth)**Form of order sought**

The applicant claims that the Court should:

— Annul the decision of the Fourth Board of Appeal of OHIM of 30 January 2013 in Case R 2398/2010-4;

— Order that the costs of the proceedings be borne by the defendant.

Pleas in law and main arguments*Applicant for a Community trade mark:* The applicant*Community trade mark concerned:* The word mark 'SKYPE' — Community trade mark application No 3 660 065 for services in class 38*Proprietor of the mark or sign cited in the opposition proceedings:* The other parties to the proceedings before the Board of Appeal*Mark or sign cited in opposition:* The word mark 'SKY' for goods and services in classes 9, 38 and 41 — Community trade mark application No 3 203 411*Decision of the Opposition Division:* Upheld the opposition for all the contested goods*Decision of the Board of Appeal:* Dismissed the appeal*Pleas in law:* Infringement of Article 8(1)(b) of Council Regulation No 207/2009.**Action brought on 28 March 2013 — Skype/OHIM — British Sky Broadcasting and Sky IP International (SKYPE)**

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The applicant claims that the Court should:

— Annul the decision of the Fourth Board of Appeal of OHIM of 30 January 2013 in Case R 121/2011-4;

— Order that the costs of the proceedings be borne by the defendant.

Pleas in law and main arguments*Applicant for a Community trade mark:* The applicant*Community trade mark concerned:* The word mark 'SKYPE' — Community trade mark application No 4 521 084 for products and services in classes 9, 38 and 42*Proprietor of the mark or sign cited in the opposition proceedings:* The other parties to the proceedings before the Board of Appeal*Mark or sign cited in opposition:* The word mark 'SKY' for goods and services in classes 9, 38, 41 and 42 — Community trade mark application No 3 203 411*Decision of the Opposition Division:* Upheld the opposition for all the contested goods and services*Decision of the Board of Appeal:* Dismissed the appeal*Pleas in law:* Infringement of Articles 8(1)(b) Council Regulation No 207/2009.