

Mark or sign cited in opposition: the German word sign and the Community word sign 'Gauß' and the German figurative mark and the Community figurative mark 'GAUFF' for goods and services in Classes 9, 16, 35, 36, 37, 39, 40, 41, 42 and 44

Decision of the Opposition Division: the opposition was upheld in part

Decision of the Board of Appeal: rejection of the application for restoring the case to its previous state and rejection of the action as being inadmissible

Pleas in law: infringement of Article 81 of Regulation No 207/2009

Action brought on 4 November 2013 — Schwerdt v OHIM — Iberamigo (cat&clean)

(Case T-587/13)

(2014/C 24/50)

Language in which the application was lodged: German

Parties

Applicant: Miriam Schwerdt (Porta-Westfalica, Germany) (represented by: K. Kruse, lawyer)

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

Other party to the proceedings before the Board of Appeal: Iberamigo, SA (Rubi, Spain)

Form of order sought

The applicant claims that the General Court should:

— annul decision No R 1799/2012-4 of the Board of Appeal of the defendant of 3 September 2013;

— order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: figurative mark in colour representing a cat with the word elements 'cat & clean' for goods in Class 31 — application for Community trade mark No 9 612 301

Proprietor of the mark or sign cited in the opposition proceedings: Iberamigo, SA

Mark or sign cited in opposition: Spanish word mark 'CLEAN CAT' for goods in Class 31

Decision of the Opposition Division: the opposition was upheld

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: infringement of Article 8(1)(b) of Regulation (EC) No 207/2009 and of Article 29 et seq. of the Treaty on the Functioning of the European Union.

Action brought on 7 November 2013 — Deutsche Rockwool Mineralwoll v OHIM — A. Weber (JETROC)

(Case T-588/13)

(2014/C 24/51)

Language in which the application was lodged: English

Parties

Applicant: Deutsche Rockwool Mineralwoll GmbH & Co. OHG (Gladbeck, Germany) (represented by: J. Krenzel, lawyer)

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

Other party to the proceedings before the Board of Appeal: A. Weber SA (Rouhling, France)

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 June 28 August 2013 given in Case R 257/2013-2

— Order the defendant to bear the costs of proceedings.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: The word mark 'JETROC' for goods in Classes 1, 17 and 19 — International Registration No 940 180 designating the European Union

Proprietor of the Community trade mark: The other party to the proceedings before the Board of Appeal

Applicant for the declaration of invalidity of the Community trade mark: The applicant

Grounds for the application for a declaration of invalidity: Likelihood of confusion pursuant to Article 53(1)(a) in conjunction with 8(1)(b) CTMR