

— Order the defendant to pay the costs of the present proceedings and those incurred before the Board of Appeal.

Pleas in law and main arguments

Registered Community design in respect of which a declaration of invalidity has been sought: The design for a product described as 'heat exchangers' — Registered Community Design No 1 618 703-0001

Proprietor of the Community design: The applicant

Applicant for the declaration of invalidity of the Community design: The other party to the proceedings before the Board of Appeal

Grounds for the application for a declaration of invalidity: It was alleged that the design did not fulfil the requirements of Article 4(1) and (2), in conjunction with Articles 5 and 6 and in particular Article 8(1) and (2) CDR

Decision of the Cancellation Division: Declared the contested RCD invalid

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 25(1)(b) in conjunction with Article 4(2) CDR.

Action brought on 20 November 2013 — AIC v OHIM — ACV Manufacturing (Heat exchanger inserts)

(Case T-616/13)

(2014/C 24/65)

Language in which the application was lodged: English

Parties

Applicant: AIC S.A. (Gdynia, Poland) (represented by: J. Radłowski, lawyer)

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

Other party to the proceedings before the Board of Appeal: ACV Manufacturing (Seneffe, Belgium)

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 September 2013 given in Case R 293/2012-3;

— Order the defendant to pay the costs of the present proceedings and those incurred before the Board of Appeal.

Pleas in law and main arguments

Registered Community design in respect of which a declaration of invalidity has been sought: The design for a product described as 'heat exchanger inserts' — Registered Community Design No 1 137 152-0001

Proprietor of the Community design: The applicant

Applicant for the declaration of invalidity of the Community design: The other party to the proceedings before the Board of Appeal

Grounds for the application for a declaration of invalidity: It was alleged that the design did not fulfil the requirements of Article 4(1) and (2), in conjunction with Articles 5 and 6 and in particular Article 8(1) and (2) CDR

Decision of the Cancellation Division: Declared the contested RCD invalid

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 25(1)(b) in conjunction with Article 4(2) CDR.

Action brought on 20 November 2013 — AIC v OHIM — ACV Manufacturing (Heat exchanger inserts)

(Case T-617/13)

(2014/C 24/66)

Language in which the application was lodged: English

Parties

Applicant: AIC S.A. (Gdynia, Poland) (represented by: J. Radłowski, lawyer)

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

Other party to the proceedings before the Board of Appeal: ACV Manufacturing (Seneffe, Belgium)