

Community trade mark concerned: The figurative mark consisting of the letters 'D' and 'M' for goods in Class 14 — Community trade mark application No 9 737 917

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

Mark or sign cited in opposition: The Community trade mark registration No 3 984 044 for the word mark 'dm' for goods in Class 14

Decision of the Opposition Division: Rejected the opposition

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8 (1) (b) CTMR

Action brought on 16 December 2013 — Zitro IP v OHIM — Gamepoint (SPIN BINGO)

(Case T-665/13)

(2014/C 61/22)

Language in which the application was lodged: English

Parties

Applicant: Zitro IP Sàrl. (Luxembourg, Luxembourg) (represented by: A. Canela Giménez, lawyer)

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

Other party to the proceedings before the Board of Appeal: Gamepoint BV (The Hague, Netherlands)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonization in the Internal Market (Trade Marks and Designs) of 14 October 2013 given in Case R 1388/2012-4;
- Order the defendant and the other party, should it intervene, to bear the costs of proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The coloured figurative mark in colours containing the verbal element 'SPIN BINGO' for goods and services in Classes 9, 41 and 42 — Community trade mark application No 9 545 658

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

Mark or sign cited in opposition: The word mark 'ZITRO SPIN BINGO' for goods and services in Classes 9, 28 and 41 — Community trade mark registration No 9 058 868

Decision of the Opposition Division: Upheld the opposition in part

Decision of the Board of Appeal: Annulled the contested decision and rejected the opposition

Pleas in law: Infringement of Article 8(1)(b) CTMR.

Action brought on 18 December 2013 — Gugler France v OHIM — Gugler (GUGLER)

(Case T-674/13)

(2014/C 61/23)

Language in which the application was lodged: English

Parties

Applicant: Gugler France SA (Besançon, France) (represented by: A. Grolée, lawyer)

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

Other party to the proceedings before the Board of Appeal: Alexander Gugler (Maxdorf, Germany)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonization in the Internal Market (Trade Marks and Designs) of 16 October 2013 given in Case R 356/2012-4;
- Cancel the contested trade mark;
- Order the defendant and the other party, should it intervene, to bear the costs of proceedings.