

*Proprietor of the mark or sign cited in the opposition proceedings:* The other party to the proceedings before the Board of Appeal

*Mark or sign cited in opposition:* The word mark 'DBShadow' for goods and services in Classes 9 et 42 — Community trade mark registration No 1 457 944, the word mark 'BusinessShadow' for goods and services in Classes 9 et 42 — Community trade mark registration No 3 749 439, the German word mark 'BusinessShadow' for goods and services in Classes 9 et 42 and the German word mark 'FSShadow' for goods and services in Classes 9 et 42

*Decision of the Opposition Division:* Upheld the opposition

*Decision of the Board of Appeal:* Dismissed the appeal

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

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**Action brought on 27 December 2013 — The Directv Group v OHIM — Bolloré (DIRECTV)**

(Case T-718/13)

(2014/C 71/44)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* The Directv Group, Inc. (El Segundo, United States of America) (represented by: F. Valentin, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Bolloré SA (Érgue Gaberic, 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 Harmonization in the Internal Market (Trade Marks and Designs) of 11 October 2013 given in Case R 1812/2012-2 and accordingly acknowledge the validity of the contested trade mark.

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which an application for revocation has been made:* The word mark 'DIRECTV' for goods and services in Classes 9, 16, 35, 38, 41 and 42 — Community trade mark registration No 1 163 138

*Proprietor of the Community trade mark:* The applicant

*Party applying for revocation of the Community trade mark:* The other party to the proceedings before the Board of Appeal

*Decision of the Cancellation Division:* Revoked partially the Community trade mark

*Decision of the Board of Appeal:* Annulled the contested decision and revoked the Community trade mark in its entirety

*Pleas in law:* Infringement of Article 15 CTMR

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**Action brought on 30 December 2013 — Gat Microencapsulation/OHMI — BASF (KARIS)**

(Case T-720/13)

(2014/C 71/45)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* Gat Microencapsulation AG (Ebenfurth, Austria) (represented by: S. Soler Lerma and M. C. March Cabrelles, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* BASF SE (Ludwigshafen am Rhein, Germany)

**Form of order sought**

The applicant claims that the Court should:

— Annul the contested decision insofar appeal submitted by the appellant/applicant was rejected;

— Order OHIM and the interveners to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Gat Microencapsulation AG

*Community trade mark concerned:* The word mark 'KARIS', for a list of goods and services in Classes 1, 5 and 35

*Proprietor of the mark or sign cited in the opposition proceedings:* BASF SE

*Mark or sign cited in opposition:* Community trade mark 'CARYX', for goods in classes 1 and 5; international trade mark 'CARYX', for goods in classes 1 and 5; Hungarian, Italian and Benelux trade mark 'AKRIS', for goods in class 5

*Decision of the Opposition Division:* Rejection of the Community trade mark application