

Parties

Applicant: Research and Production Company MELT WATER UAB (Klaipėda, Lithuania) (represented by V. Viešūnaitė, lawyer)

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

Form of order sought

The applicant claims that the Court should:

- set aside the decision of the Fifth Board of Appeal of OHIM of 26 November 2013 in Case R 494/2013-5 and order OHIM to register, as a Community trade mark, the mark 'MELT WATER Original' in respect of which the applicant, Research and Production Company MELT WATER UAB, has sought registration (application No 01 078 2068);
- award costs in favour of the applicant, Research and Production Company MELT WATER UAB;
- order the defendant, OHIM, to produce the file concerning the action relating to that application for registration of a Community trade mark (application No 010 782 068).

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant.

Community trade mark in respect of which registration is sought: a light-blue figurative mark containing the word elements 'MELT WATER Original', for goods in Class 32 — application No 010 782 068 for registration of a Community trade mark.

Decision of the Examiner: application rejected.

Decision of the Board of Appeal: appeal dismissed.

Pleas in law: Article 7(1)(c) and 7(1)(b) of Council Regulation (EC) No 207/2009, together with the related case-law of the European Union Courts.

Action brought on 27 January 2014 — UAB MELT WATER v OHIM (Form of a bottle)

(Case T-70/14)

(2014/C 112/63)

Language in which the application was lodged: Lithuanian

Parties

Applicant: Research and Production Company MELT WATER UAB (Klaipėda, Lithuania) (represented by V. Viešūnaitė, lawyer)

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

Form of order sought

The applicant claims that the Court should:

- set aside the decision of the Fifth Board of Appeal of OHIM of 26 November 2013 in Case R 481/2013-5 and order OHIM to register, as a Community trade mark, the mark consisting of the form of a bottle in respect of which the applicant, Research and Production Company MELT WATER UAB, has sought registration (application No 010 751 584);
- award costs in favour of the applicant, Research and Production Company MELT WATER UAB;
- order the defendant, OHIM, to produce the file concerning the action relating to that application for registration of a Community trade mark (application No 010 751 584).

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant.

Community trade mark in respect of which registration is sought: a three-dimensional mark consisting of the form of a bottle, for goods in Class 32 — application No 010 751 584 for registration of a Community trade mark.

Decision of the Examiner: application rejected.

Decision of the Board of Appeal: appeal dismissed.

Pleas in law: Articles 4 and 7(1)(b) of Council Regulation (EC) No 207/2009, together with the case-law of the European Union Courts.

Action brought on 4 February 2014 — Copernicus-Trademarks v OHIM — Maquet (LUCEO)

(Case T-82/14)

(2014/C 112/64)

Language in which the application was lodged: German

Parties

Applicant: Copernicus-Trademarks Ltd (Borehamwood, United Kingdom) (represented by: F. Henkel, lawyer)

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

Other party to the proceedings before the Board of Appeal: Maquet GmbH & Co. KG (Rastatt, 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 Harmonisation in the Internal Market (Trade Marks and Designs) of 25 November 2013 in Case R 2292/2012-4 and reject the application for a declaration of invalidity of the Community trade mark LUCEO, No 8 554 974;

In the alternative, annul the contested decision and refer the case back to the Board of Appeal;

— Order the defendant to pay the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: the word mark LUCEO for goods in Classes, 10, 12 and 28 — Community trade mark No 8 554 974

Proprietor of the Community trade mark: the applicant

Applicant for the declaration of invalidity of the Community trade mark: Maquet GmbH & Co. KG

Grounds for the application for a declaration of invalidity: Article 52(1)(b) of Regulation No 207/2009

Decision of the Cancellation Division: the application for a declaration of invalidity was granted

Decision of the Board of Appeal: the appeal was dismissed