

Decision of the Board of Appeal: the Opposition Division's decision was annulled and the trade mark application was rejected in part

Pleas in law: Infringement of Articles 8(1)(b) and 75 of Regulation No 207/2009

Action brought on 22 April 2014 — Hansen v OHIM (WIN365)

(Case T-264/14)

(2014/C 194/42)

Language of the case: German

Parties

Applicant: Robert Hansen (Munich, Germany) (represented by M. Pütz-Poulalion, lawyer)

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

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 20 February 2014 in Case R 908/2013-4;
- order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Word mark WIN365 for goods and services in Classes 9, 35, 36, 38 and 41 — Community trade mark application No 11 513 851

Decision of the Examiner: Registration partially refused

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 7(1)(b) of Regulation No 207/2009

Action brought on 23 April 2014 — Zehnder Group International v OHIM — Stiebel Eltron (comfotherm)

(Case T-267/14)

(2014/C 194/43)

Language in which the application was lodged: German

Parties

Applicant: Zehnder Group International AG (Gränichen, Switzerland) (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: Stiebel Eltron GmbH & Co. KG (Holzminden, Germany)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of 21 February 2014 in Case R 1318/2013-4;
- 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 'comfotherm' for goods in Classes 9 and 11 — Community trade mark No 8 859 472