

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

Other party to the proceedings before the Board of Appeal: Spa Monopole, compagnie fermière de Spa SA/NV (Spa, Belgium)

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 16 January 2014 given in Case R 1516/2012-4;
- Order the defendant, and, if necessary, the intervener, to pay the costs of proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The wordmark 'SPA WISDOM' for goods in Class 3 — Community trade mark application No 8 900 748

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 Benelux trademarks Nos 389 230, 499 046, 372 307 for the word mark 'SPA' and the Benelux trademark No 693 395 for the word mark 'LES THERMES DE SPA'

Decision of the Opposition Division: Upheld the opposition

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 8(1)(b) and 8(5) CTMR

Action brought on 28 March 2014 — LR Health & Beauty Systems/OHIM — Robert McBride (LR nova pure.)

(Case T-202/14)

(2014/C 235/27)

Language in which the application was lodged: English

Parties

Applicant: LR Health & Beauty Systems GmbH (Ahlen, Germany) (represented by: N. Weber and L. Thiel, lawyers)

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

Other party to the proceedings before the Board of Appeal: Robert McBride Ltd (Manchester, United Kingdom)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 22 January 2014 in case R 272/2013-2;
- Order the defendant and, if appropriate, the other party to the proceedings to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The figurative mark containing the word elements 'LR nova pure.' for goods in Class 3 — Community trade mark application No 9 851 361

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: International trade mark registration of the word mark NOVA

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) of Regulation No 207/2009

Action brought on 14 April 2014 — Intesa Sanpaolo v OHIM (NEXTCARD)

(Case T-233/14)

(2014/C 235/28)

Language of the case: Italian

Parties

Applicant: Intesa Sanpaolo SpA (Turin, Italy) (represented by: P. Pozzi, G. Ghisletti and F. Braga, lawyers)

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 Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 February 2014 in Case R 1807/2013-5;
- order OHIM to pay the costs of the proceedings.

Pleas in law and main arguments

Community trade mark concerned: Word mark NEXTCARD for goods and services in Classes 9 and 36 — Community trade mark application No 11 379 931

Decision of the Examiner: Application refused in part

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 75 of Regulation No 207/2009

Action brought on 17 April 2014 — Yoworld v OHIM — Nestlé (yogorino)

(Case T-246/14)

(2014/C 235/29)

Language in which the application was lodged: English

Parties

Applicant: Yoworld SA (Luxembourg, Luxembourg) (represented by: A. Tornato and D. Hazan, lawyers)

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

Other party to the proceedings before the Board of Appeal: Société des produits Nestlé SA (Vevey, Switzerland)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 20 December 2013 given in Case R 115/2013-2;
- Order the defendant to pay the costs of the proceedings.