

- Infringement of Article 15(1)(a) of Regulation No 207/2009;
- Infringement of Article 57(2) of Regulation No 207/2009 in conjunction with Rule 22(3) and (4) of Regulation No 2868/95;
- Infringement of Article 78(1)(f) of Regulation No 207/2009;
- Infringement of the rules on abuse of law in conjunction with Article 56(1)(b) of Regulation No 207/2009 and Article 54(2) of Regulation No 207/2009;
- Infringement of Article 64(1) of Regulation No 207/2009

Action brought on 6 May 2014 — mobile.international v OHIM — Rezon (mobile.de)

(Case T-325/14)

(2014/C 235/37)

Language in which the application was lodged: German

Parties

Applicant: mobile.international GmbH (Kleinmachnow, Germany) (represented by: T. Lührig, lawyer)

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

Other party to the proceedings before the Board of Appeal: Rezon OOD (Sofia, Bulgaria)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 9 January 2014 in Case R 922/2013-1;
- 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 'mobile.de' for goods and services in Classes 9, 16, 35, 38 and 42 — Community trade mark No 9 376 989

Proprietor of the Community trade mark: the applicant

Applicant for the declaration of invalidity of the Community trade mark: Rezon OOD

Grounds for the application for a declaration of invalidity: national figurative mark including the word elements 'mobile' for services in Classes 35, 39 and 42

Decision of the Cancellation Division: Rejection of the application for a declaration of invalidity

Decision of the Board of Appeal: Appeal upheld and the case is referred back to the Cancellation Division

Pleas in law:

- Infringement of Article 57 (2) of Regulation No 207/2009 in conjunction with Rule 22(2) of Regulation No 2868/95;
- Infringement of Article 76(2) of Regulation No 207/2009;
- Infringement of Article 57(2) of Regulation No 207/2009 in conjunction with Rule 22(3) and (4) of Regulation No 2868/95;
- Infringement of Article 78(1)(f) of Regulation No 207/2009;

- Infringement of the rules on abuse of law in conjunction with Article 56(1)(b) of Regulation No 207/2009 and Article 54(2) of Regulation No 207/2009;
- Infringement of Article 64(1) of Regulation No 207/2009

Action brought on 13 May 2014 — Compagnie des fromages & Richesmots v OHIM — Grupo Lactalis Iberia (Representation of a red and white chessboard)

(Case T-327/14)

(2014/C 235/38)

Language in which the application was lodged: French

Parties

Applicant: Compagnie des fromages & Richesmots (Puteaux, France) (represented by: T. Mollet-Vieville and T. Cuche, lawyers)

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

Other party to the proceedings before the Board of Appeal: Grupo Lactalis Iberia, SA (Madrid, Spain)

Form of order sought

- Find that Community trade mark No 6 059 687 is valid for the designation of cheeses;
- In consequence, annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market of 3 March 2014 in its entirety in so far as it ruled that Community trade mark No 6 059 687 is invalid;
- In the alternative, annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market of 3 March 2014 in its entirety in so far as it ruled that Community trade mark No 6 059 687 is invalid for the designation of cheeses;
- Order the Office for Harmonisation in the Internal Market 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: Representation of a red and white chessboard

Proprietor of the Community trade mark: The applicant

Applicant for the declaration of invalidity of the Community trade mark: Grupo Lactalis Iberia, SA

Grounds for the application for a declaration of invalidity: Absolute grounds provided for in Article 52(1)(a) of Regulation No 207/2009, in conjunction with Article 7(1)(b), (c) and (d) of Regulation No 207/2009

Decision of the Cancellation Division: Rejection of the application for invalidity

Decision of the Board of Appeal: Annulment of the decision of the Cancellation Division and declaration of invalidity of the mark in question