

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 'Gummi Bear-Rings' for goods in Class 30 — International registration No 1 051 028 designating the European Union

Proprietor of the mark or sign cited in the opposition proceedings: Cadbury Netherlands International Holdings BV

Mark or sign cited in opposition: The national figurative mark containing the word element 'Gummy'

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 76(1) of Regulation No 207/2009

Action brought on 3 April 2014 — Klement v OHIM — Bullerjan (Form of an oven)

(Case T-211/14)

(2014/C 245/22)

Language in which the application was lodged: English

Parties

Applicant: Toni Klement (Dippolddiswalde, Germany) (represented by: J. Weiser, lawyer)

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

Other party to the proceedings before the Board of Appeal: Bullerjan GmbH (Isernhagen-Kirchhorst, Germany)

Form of order sought

The applicant claims that the Court should:

- Alter 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 927/2013-1, so that the appeal brought by the applicant is upheld and CTM 3 723 822 is revoked in its entirety;
- In the alternative, annul the contested decision;
- Order OHIM, and as the case may be, the CTM proprietor/possible intervener to pay the costs for these proceedings and of the appeal procedure before OHIM.

Pleas in law and main arguments

Registered Community trade mark in respect of which an application for revocation has been made: Three-dimensional mark representing an oven for goods in Class 11 — Community trade mark registration No 3 723 822

Proprietor of the Community trade mark: The other party to the proceedings before the Board of Appeal

Party applying for revocation of the Community trade mark: The applicant

Decision of the Cancellation Division: Rejected the application for revocation

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 51(1)(a) of Regulation No 207/2009 in conjunction with Article 15 of Regulation No 207/2009

Action brought on 31 March 2014 — PSL/OHIM — Consortium Ménager Parisien (Representation of a watch)

(Case T-212/14)

(2014/C 245/23)

Language in which the application was lodged: English

Parties

Applicant: PSL Ltd (Kowloon, Hong-Kong) (represented by: R. Dissmann and J. Bogatz, lawyers)

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

Other party to the proceedings before the Board of Appeal: Consortium Ménager Parisien (Paris, France)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 20 January 2014 in Case R 1495/2012-3;
- Order the defendant to pay the costs of the proceedings before the court as well as the appeal proceedings before the Board of Appeals.

Pleas in law and main arguments

Registered Community design in respect of which a declaration of invalidity has been sought: Design representing a watch for goods in Class 10-02 — Community Design No 1 600 560-0001

Proprietor of the Community design: The applicant

Applicant for the declaration of invalidity of the Community design: Consortium Menager Parisien

Grounds for the application for a declaration of invalidity: Lack of individual character within the meaning of Article 6(1)(b) of Regulation No 6/2002

Decision of the Cancellation Division: Rejected the application for invalidity

Decision of the Board of Appeal: Annulled the contested decision and declared the contested design invalid

Pleas in law: Infringement of Article 6 of Regulation No 6/2002

Action brought on 11 April 2014 — CBM Creative Brands Marken v OHIM — Aeronautica Militare — Stato Maggiore (Trecoloro)

(Case T-227/14)

(2014/C 245/24)

Language in which the application was lodged: English

Parties

Applicant: CBM Creative Brands Marken GmbH (Zürich, Switzerland) (represented by: U. Lüken, M. Grundmann and N. Kerger, lawyers)

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

Other party to the proceedings before the Board of Appeal: Aeronautica Militare — Stato Maggiore (Rome, Italy)