

Mark or sign cited in opposition: Word mark 'EXELON' for goods in Class 5

Decision of the Opposition Division: Application rejected

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 23 April 2014 — Giuntoli/OHIM — Société des produits Nestlé (CREMERIA TOSCANA)

(Case T-256/14)

(2014/C 253/46)

Language in which the application was lodged: English

Parties

Applicant: Andrea Giuntoli (Barcelona, Spain) (represented by: A. Canela Giménez, lawyer)

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 12 February 2014 given in Case R 886/2013-2;
- Order OHIM and those who oppose this request 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 verbal elements 'CREMERIA TOSCANA' for goods and services in the Classes 30, 35 and 43 — Community trade mark application No 9 549 346

Proprietor of the mark or sign cited in the opposition proceedings: Société des produits Nestlé SA

Mark or sign cited in opposition: International trade mark registration of the figurative mark containing the verbal element 'la Cremeria'

Decision of the Opposition Division: Upheld the opposition in part

Decision of the Board of Appeal: Annulled the appealed decision, accepted the opposition and partially rejected the CTM application.

Pleas in law: Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 28 April 2014 — City Index/OHIM — Citigroup and Citibank (CITY INDEX)

(Case T-269/14)

(2014/C 253/47)

Language in which the application was lodged: English

Parties

Applicant: City Index Ltd (London, United Kingdom) (represented by: B. Brandreth, Barrister)

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

Other parties to the proceedings before the Board of Appeal: Citigroup, Inc. and Citibank, NA (New York, USA)