

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The figurative mark containing the word element 'Bankia' for goods and services in Classes 9, 16, 35, 36, 38, 41 and 45 — Community trade mark application n° 10 125 284

Proprietor of the mark or sign cited in the opposition proceedings: Banco ActivoBank (Portugal), SA

Mark or sign cited in opposition: The national word mark 'BANKY' for services in Class 36

Decision of the Opposition Division: The opposition was partially upheld

Decision of the Board of Appeal: The appeal of BANKIA S.A. was dismissed and the appeal of Banco ActivoBank (Portugal), SA partially upheld, rejecting the contested trade mark for a wider range of services

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

Action brought on 14 May 2014 — Roca Sanitario v OHIM — Villeroy & Boch (Taps)

(Case T-334/14)

(2014/C 261/49)

Language in which the application was lodged: Spanish

Parties

Applicant: Roca Sanitario, SA (Barcelona, Spain) (represented by: R. Guerras Mazón, lawyer)

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

Other party to the proceedings before the Board of Appeal: Villeroy & Boch AG (Mettlach, Germany)

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 21 February 2014, in Case R 812/2012-3;
- make an order for costs against OHIM and, as the case may be, the intervener if the latter enters an appearance and contests the action.

Pleas in law and main arguments

Registered Community design in respect of which a declaration of invalidity has been sought: Design of a tap — Community design registration number No 1 264 568-0004

Proprietor of the Community design: Applicant

Party requesting the declaration of invalidity of the Community design: Villeroy & Boch AG

Grounds for the application for a declaration of invalidity: Lack of novelty and of individual character compared with its own design for a tap (No 00 584 560-0004)

Decision of the Cancellation Division: Application for a declaration of invalidity upheld

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Breach of Article 6 of Regulation No 6/2002 in conjunction with Article 25(1)(b) of the same regulation.

Action brought on 15 May 2014 — Société des produits Nestlé/OHIM (NOURISHING PERSONAL HEALTH)

(Case T-336/14)

(2014/C 261/50)

Language of the case: English

Parties

Applicant: Société des produits Nestlé SA (Vevey, Switzerland) (represented by: A. Jaeger-Lenz, A. Lambrecht and S. Cobet-Nüse, 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 Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 March 2014 in case R 149/2013-4;
- Order the OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: International registration of the word mark 'NOURISHING PERSONAL HEALTH' for goods and services in Classes 5, 10, 41, 42 and 44 — Community trade mark application n° 01 102 735

Decision of the Examiner: The application was rejected

Decision of the Board of Appeal: The appeal was rejected

Pleas in law:

- Infringement of Article 76(1) of Regulation No 207/2009;
 - Infringement of Article 75 of Regulation No 207/2009;
 - Infringement of Article 7(1)(b) of Regulation No 207/2009.
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Action brought on 15 May 2014 — Klyuyev v Council

(Case T-340/14)

(2014/C 261/51)

Language of the case: English

Parties

Applicant: Andriy Klyuyev (Donetsk, Ukraine) (represented by: R. Gherson, Solicitor)

Defendant: Council of the European Union