

*Community trade mark concerned:* The figurative mark containing the word elements 'MY PLANET' for goods in classes 25, 32 and 33 — Community trade mark application No 8 566 515

*Proprietor of the mark or sign cited in the opposition proceedings:* Vicente Gandia Pla, SA

*Mark or sign cited in opposition:* The word mark 'EL MIRACLE PLANET' for goods in classes 25, 32 and 33

*Decision of the Opposition Division:* The Opposition was allowed

*Decision of the Board of Appeal:* The appeal was dismissed

*Pleas in law:* Infringement of Articles 8(1)(b) and 41(1) of Regulation No 207/2009

---

**Action brought on 23 May 2014 — Penny-Markt v OHIM — Boquoi Handels (B! O)**

**(Case T-364/14)**

(2014/C 261/56)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Penny-Markt GmbH (Cologne, Germany) (represented by: M. Kinkeldey, S. Brandstätter and A. Wagner, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Boquoi Handels OHG (Straelen, Germany)

**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 21 March 2014 in Case R 1201/2013-4;
- 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 figurative mark including the word element 'B! O' for goods in Classes 29, 30, 31 and 32 — Community trade mark No 10 038 008

*Proprietor of the Community trade mark:* the applicant

*Applicant for the declaration of invalidity of the Community trade mark:* Boquoi Handels OHG

*Grounds for the application for a declaration of invalidity:* the national and Community trade mark 'bo' for goods and services in Classes 5, 16, 21, 29, 31, 32, 33 and 35

*Decision of the Cancellation Division:* the application for a declaration of invalidity was rejected

*Decision of the Board of Appeal:* the decision of the Cancellation Division was annulled and the Community trade mark was declared invalid

*Pleas in law:* Infringement of Articles 8(1)(b) and 53(1)(a) of Regulation No 207/2009

---

**Action brought on 28 May 2014 — August Storck v OHIM — Chiquita Brands (Fruitfuls)**

**(Case T-367/14)**

(2014/C 261/57)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* August Storck KG (Berlin, Germany) (represented by: I. Rohr, A.-C. Richter, P. Goldenbaum and T. Melchert, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Chiquita Brands LLC (Charlotte, United States)

**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 27 March 2014 in Case R 1580/2013-5;
- Order the defendant to pay its own costs and those of the applicant, and, should Chiquita Brands LLC intervene in the proceedings, order Chiquita Brands LLC to pay its own costs.

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which an application for revocation has been made:* The word mark 'Fruitfuls' for goods in Class 30 — Community trade mark registration No 5 014 519

*Proprietor of the Community trade mark:* The applicant

*Party applying for revocation of the Community trade mark:* Chiquita Brands LLC

*Decision of the Cancellation Division:* The trade mark was revoked

*Decision of the Board of Appeal:* The appeal was dismissed

*Pleas in law:* Infringement of Article 51(1)(a) of Regulation No 207/2009.

---

**Action brought on 23 May 2014 — Petropars and Others v Council**

**(Case T-370/14)**

(2014/C 261/58)

*Language of the case:* English

**Parties**

*Applicants:* Petropars Ltd (Teheran, Iran); Petropars International FZE (Dubai, United Arab Emirates); and Petropars UK Ltd (London, United Kingdom) (represented by: S. Zaiwalla, P. Reddy and Z. Burbeza, Solicitors, and R. Blakeley, Barrister)