

Action brought on 17 April 2014 — The Smiley Company v OHIM (Shape of a face)**(Case T-243/14)**

(2014/C 282/49)

*Language of the case: English***Parties***Applicant:* The Smiley Company SPRL (Brussels, Belgium) (represented by: A. Freitag, lawyer)*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 First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 16 January 2014 given in Case R 837/2013-1;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments*Community trade mark concerned:* Tri-dimensional mark representing the shape of a face for goods in classes 29 and 30 — Community trade mark application No 11 168 861*Decision of the Examiner:* Found the mark applied for not eligible for registration pursuant to Article 7(1)(b) of the Regulation No 207/2009*Decision of the Board of Appeal:* Dismissed the appeal*Pleas in law:* Infringement of Article 7(1)(b) of the Regulation No 207/2009

Action brought on 17 April 2014 — The Smiley Company v OHIM (Shape of a face in the form of a star)**(Case T-244/14)**

(2014/C 282/50)

*Language of the case: English***Parties***Applicant:* The Smiley Company SPRL (Brussels, Belgium) (represented by: A. Freitag, lawyer)*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 First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 16 January 2014 given in Case R 838/2013-1;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments*Community trade mark concerned:* Tri-dimensional mark representing the shape of a face in the form of a star for goods in classes 29 and 30 — Community trade mark application No 11 168 937