

- After the interim measure sought in the first indent has become definitive, and after the oral hearing and the presentation of evidence relating to the determination of the total material damage in respect of which compensation is sought by the applicants in the present action, order the European Union to compensate each of the applicants for the material damaged suffered as a result of the Commission's unlawful omission, referred to in the first subparagraph of the present action, namely, all of the actual loss (*damnum emergens*) and all of the loss of profit (*lucrum cessans*) suffered by the applicants during the period from 1 January 2012 to the date on which the Court makes the corresponding requests to the Minister for Finance and the Minister for Justice of the Republic of Croatia, amounting to EUR 600 000 for each calendar year and for each defendant, together with late payment interest of 12 % per annum, to be calculated:
 - as regards the compensation for all of the actual loss, from 1 January 2012 until the date of actual payment;
 - as regards the compensation for all of the loss of profit suffered by the applicants during 2012, from 1 January 2013 until the date of actual payment;
 - as regards the compensation for all of the loss of profit suffered by the applicants during 2013, from 1 January 2014 until the date of actual payment;
 - as regards the compensation for all of the loss of profit suffered by the applicants during 2014, from 1 January 2015 until the date of actual payment;
- After the interim measure sought in the first indent has become definitive, and after the oral hearing and the presentation of the appropriate evidence relating to the amount of that claim, order the European Commission to pay every one of the applicants the costs incurred in the present proceedings.

Pleas in law and main arguments

In support of the action, the applicants rely on pleas essentially the same as those relied on in Case T-109/14 *Škugor and Others v European Union*.⁽¹⁾

⁽¹⁾ OJ C 142, p. 38.

Action brought on 3 July 2014 — Staywell Hospitality Group v. OHIM — Sheraton International IP (PARK REGIS)

(Case T-510/14)

(2014/C 303/55)

Language in which the application was lodged: English

Parties

Applicant: Staywell Hospitality Group Pty Ltd (Sydney, Australia) (represented by: D. Farnsworth, Solicitor)

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

Other party to the proceedings before the Board of Appeal: Sheraton International IP LLC (Stamford, United States of America)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Fifth Board of Appeal of 30 April 2014 in Cases R 240/2013-5 and R 303/2013-5 insofar as it concerns Case R 240/2013-5; and
- condemn the Defendant to bear its own and pay the Applicant's costs.

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 'PARK REGIS' for services in Classes 35, 36 and 43 — Community trade mark application No 9 488 933

Proprietor of the mark or sign cited in the opposition proceedings: Sheraton International IP LLC

Mark or sign cited in opposition: The figurative and word marks 'ST. REGIS' for services in Classes 36, 42 and 43, the international trade mark registration designating the European Union of the word mark 'ST. REGIS' for services in Class 36 as well as the well-known figurative and word marks 'ST. REGIS' in the European Union

Decision of the Opposition Division: The opposition was partially upheld

Decision of the Board of Appeal: The appeals were dismissed

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

Action brought on 7 July 2014 — GreenPack v OHIM (greenpack)

(Case T-513/14)

(2014/C 303/56)

Language of the case: German

Parties

Applicant: GreenPack GmbH (Henningsdorf, Germany) (represented by P. Ruess und A. Doepner-Thiele, 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 First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 29 April 2014 in Case R 2324/2013-1;
- order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Word mark 'greenpack' for goods and services in Class 9 — Community trade mark application No 11 926 706

Decision of the Examiner: Refused the application

Decision of the Board of Appeal: Rejected the appeal

Pleas in law:

- Infringement of Article 7(1)(b) of Regulation No. 207/2009
 - Infringement of Article 7(1)(c) of Regulation No. 207/2009
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