

**Pleas in law and main arguments**

*Community trade mark concerned:* The word mark 'RACE GTP' for goods in class 12 — Community trade mark application No 11 018 918

*Decision of the Examiner:* Application rejected

*Decision of the Board of Appeal:* Appeal dismissed

*Pleas in law:* Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009 and infringement of Article 7(2) of Regulation No 207/2009

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**Action brought on 13 July 2014 — Compagnie générale des établissements Michelin v OHIM — Continental Reifen Deutschland (XKING)**

**(Case T-525/14)**

(2014/C 303/60)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* Compagnie générale des établissements Michelin (Clermont-Ferrand, France) (represented by: L. Carlini, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Continental Reifen Deutschland GmbH (Hannover, 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 5 May 2014 given in Case R 1522/2013-4;
- Order the defendant and the other party to the proceedings, should it intervene, to pay the costs of the proceedings.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The other party to the proceedings before the Board of Appeal

*Community trade mark concerned:* The figurative mark containing the verbal elements 'XKING' for goods in Class 12 — Community trade mark application No 10 644 821

*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant

*Mark or sign cited in opposition:* Community trademarks Nos 5 293 782 and 5 560 396, national marks and international registrations

*Decision of the Opposition Division:* Upheld the opposition in its entirety

*Decision of the Board of Appeal:* Annulled the contested decision and rejected the opposition

*Pleas in law:* Infringement of Article 8(1)(b) and (5) CTMR

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