

Pleas in law and main arguments

Community trade mark concerned: The position mark, consisting of the lower spring portion of a sporting and exercising device and containing the word elements 'KJ KANGOO JUMPS XR' for goods in Class 28 — Community trade mark application No 11 726 494

Decision of the Examiner: The application was rejected

Decision of the Board of Appeal: The appeal was dismissed

Pleas in law: Infringement of Article 7(1)(b) of Regulation No 207/2009.

Action brought on 28 May 2014 — Best-Lock (Europe) v OHIM — Lego Juris (Shape of a toy figure)

(Case T-395/14)

(2014/C 315/109)

Language in which the application was lodged: German

Parties

Applicant: Best-Lock (Europe) Ltd (Colne, United Kingdom) (represented by: J. Becker, lawyer)

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

Other party to the proceedings before the Board of Appeal: Lego Juris A/S (Billund, Denmark)

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 26 March 2014 in Case R 1695/2013-4 and declare Community trade mark No 50 518 invalid in respect of Class 28;
- 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 three-dimensional mark in the shape of a toy figure for goods in Classes 9, 25 and 28 — Community trade mark No 50 518

Proprietor of the Community trade mark: Lego Juris A/S

Applicant for the declaration of invalidity of the Community trade mark: the applicant

Grounds for the application for a declaration of invalidity: absolute grounds for invalidity and bad faith

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

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Article 52 in conjunction with Article 7(1)(e)(i) and (ii) and 7(1)(b) of Regulation No 207/2009