

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 Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 2 June 2014 in case R 301/2014-4;
- order the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Figurative mark which contains the word elements 'BIO ORGANIC' for goods and services in Classes 3, 5 and 35 — Community trade mark application No 12 006 409

Decision of the Examiner: Refused the application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law:

- Infringement of Article 7(1)(b) of Regulation No 207/2009;
- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009;
- Infringement of Article 7(1)(c) of Regulation No 207/2009;
- Misuse of powers by a decision on the basis of competition policy considerations.

Action brought on 11 August 2014 — Souruh v Council

(Case T-612/14)

(2014/C 361/38)

Language of the case: French

Parties

Applicant: Souruh SA (Damascus, Syria) (represented by: E. Ruchat and C. Cornet d'Elzius, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the applicant's action admissible and well-founded;
- in consequence, annul Decision 2014/309/CFSP of 28 May 2014 and its subsequent implementing measures, insofar as they concern the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law which are in essence identical or similar to those relied on in Case T-432/11 *Makhlouf v Council* ⁽¹⁾.

⁽¹⁾ OJ C 290, p. 13.

Action brought on 20 August 2014 — Hewlett Packard Development Company v OHIM (FORTIFY)

(Case T-628/14)

(2014/C 361/39)

Language of the case: English

Parties

Applicant: Hewlett Packard Development Company LP (Dallas, United States) (represented by: T. Raab and H. Lauf, 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 Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 2 June 2014 given in Case R 249/2014-2.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'FORTIFY' for goods in Class 9 — Community trade mark application No. 11 771 037

Decision of the Examiner: Rejected the CTM application in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(b), (c) and (2) CTMR.

Action brought on 21 August 2014 — Jaguar Land Rover v OHIM (Shape of a car)

(Case T-629/14)

(2014/C 361/40)

Language of the case: English

Parties

Applicant: Jaguar Land Rover Ltd (Coventry, United Kingdom) (represented by: F. Delord and R. Grewal, Solicitors)

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 Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 24 April 2014 given in Case R 1622/2013-2.

Pleas in law and main arguments

Community trade mark concerned: The 3D mark representing a shape of a car for goods in Classes 12, 14 and 28 — Community trade mark application No. 11 388 411

Decision of the Examiner: Rejected the CTM application in part