

Form of order sought

The applicant claims that the Court should:

— Annul the Decision of the First Board of Appeal of the Office of Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 29 January 2013 in case R 300/2012-1, relating to cancellation proceedings No. 000005025 C (Community trademark No. 005205125) between Nanu-Nana Joachim Hoepp GmbH & Co. KG and Lina M. Stal-Florez Botero h.o.d.n. La Nana;

— Order the Defendant to bear the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: The figurative mark 'la nana' for goods of classes 16, 20 and 24 — Community trade mark registration No 5 205 125

Proprietor of the Community trade mark: The other party to the proceedings before the Board of Appeal

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

Grounds for the application for a declaration of invalidity: The grounds of the request for a declaration of invalidity were those laid down in Article 8(1)(b), in conjunction with Article 53(1)(a) of Council Regulation No 207/2009

Decision of the Cancellation Division: Rejected the request for invalidity in its entirety based on Article 57(2) and (3) of Council Regulation No 207/2009

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 53(1)(a) in conjunction with Article 8(1)(b), Article 57(2) and (3) and Article 78 (1)(f) of Council Regulation No 207/2009.

Action brought on 8 April 2013 — Imax/OHIM — Himax Technologies (IMAX)

(Case T-198/13)

(2013/C 171/60)

Language in which the application was lodged: English

Parties

Applicant: Imax Corporation (Mississauga, Canada) (represented by: V. von Bomhard, lawyer, and K. Hughes, Solicitor)

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

Other party to the proceedings before the Board of Appeal: Himax Technologies, Inc. (Tainan County, Taiwan)

Form of order sought

The applicant claims that the Court should:

— Annul OHIM's Fifth Board of Appeal's decision of 23 January 2013 in Case R 740/2012-5; and

— Order that the costs of the proceedings be borne by the defendant and, if the other party in the proceedings before the Board of Appeal intervenes, the intervener.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'IMAX' for goods in classes 9, 41 and 45 — Community trade mark registration No 9 392 556

Proprietor of the mark or sign cited in the opposition proceedings: The other party to the proceedings before the Board of Appeal

Mark or sign cited in opposition: Community trade mark registrations No 4 411 658 and No 4 411 641 of the figurative mark 'Himax' for goods and services in classes 9 and 42

Decision of the Opposition Division: Partially upheld the opposition

Decision of the Board of Appeal: Dismissed the appeal

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

Appeal brought on 9 April 2013 by Patrizia De Luca against the judgment of the Civil Service Tribunal of 30 January 2013 in Case F-20/06 RENV, De Luca v Commission

(Case T-200/13 P)

(2013/C 171/61)

Language of the case: French

Parties

Appellant: Patrizia De Luca (Brussels, Belgium) (represented by S. Orlandi and J.-N. Louis, lawyers)

Other party to the proceedings: Council of the European Union and European Commission