

Pleas in law and main arguments

Community trade mark concerned: the word mark INTEGRAL for goods and services in Classes 9, 12, 35 and 37 — Community trade mark application No 9 508 466

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) and (c) of Regulation No 207/2009

Action brought on 18 April 2013 — Nutrexpa v OHIM — Kraft Foods Italia Intellectual Property (Cuétara Maria ORO)

(Case T-218/13)

(2013/C 189/54)

Language in which the application was lodged: Spanish

Parties

Applicant: Nutrexpa, SL (Barcelona, Spain) (represented by: J. Grau Mora, M. Ferrándiz Avendaño and Y. Sastre Canet, lawyers)

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

Other party to the proceedings before the Board of Appeal: Kraft Foods Italia Intellectual Property Srl (Milan, Italy)

Form of order sought

The applicant claims that the General 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 11 February 2013 in Case R 2455/2011-1, whereby it rejected the application for registration of the figurative Community trade mark No 8 481 863 ‘Cuétara Maria ORO’ for ‘Preserved frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; milk products’ (Class 29) and ‘Coffee, tea, cocoa, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; sauces (condiments); biscuits’ (Class 30), which should consequently be registered by OHIM;
- order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: Figurative mark containing the word elements ‘Cuétara Maria ORO’ — Application for registration of Community trademark No 8 481 863 for goods in Classes 5, 29 and 30

Proprietor of the mark or sign cited in the opposition proceedings: Kraft Foods Italia Intellectual Property Srl

Mark or sign cited in opposition: National and Community figurative marks containing the word element ‘ORO’ for goods in Classes 29 and 30

Decision of the Opposition Division: Opposition upheld in part

Decision of the Board of Appeal: Appeal dismissed

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

Action brought on 19 April 2013 — NIIT Insurance Technologies v OHIM (EXACT)

(Case T-228/13)

(2013/C 189/55)

Language of the case: German

Parties

Applicant: NIIT Insurance Technologies Ltd. (London, United Kingdom) (represented by M. Wirtz, lawyer)

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

Form of order sought

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 18 February 2013 in Case R 1307/2012-4 concerning Community trade mark registration 010355501, Word: EXACT and the previous decision of the Trade Marks Department of OHIM of 29 May 2012 concerning Community trade mark registration 010355501, Word: EXACT, in so far as the trade mark was refused protection;
- Order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Word Mark EXACT for goods and services in Classes 9, 16 and 42 — Community trade mark registration No 10 355 501

Decision of the Examiner: Partial rejection of the registration

Decision of the Board of Appeal: Dismissal of the appeal