

**Action brought on 17 April 2013 — Bayer Intellectual Property/OHIM — Interhygiene (INTERFACE)****(Case T-227/13)**

(2013/C 178/25)

*Language in which the application was lodged: English***Parties***Applicant:* Bayer Intellectual Property GmbH (Monheim am Rhein, Germany) (represented by: E. Armijo Chávarri, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Interhygiene GmbH (Cuxhaven, Germany)**Form of order sought**

The applicant claims that the Court should:

- Annul the contested decision for being contrary to law insofar as it declares that the INTERFACE Community trademark application is incompatible with the earlier Interfog trademark;
- Expressly sentence OHIM to court fees.

**Pleas in law and main arguments***Applicant for a Community trade mark:* The applicant*Community trade mark concerned:* The word mark 'INTERFACE' for goods in class 5 — Community trade mark application 8 133 977*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 registration of the word mark 'Interfog' for goods in class 5*Decision of the Opposition Division:* 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.**Action brought on 22 April 2013 — HTC Sweden/OHIM — Vermop Salmon (TWISTER)****(Case T-230/13)**

(2013/C 178/26)

*Language in which the application was lodged: English***Parties***Applicant:* HTC Sweden AB (Söderköping, Sweden) (represented by: G. Hasselblatt and D. Kipping, lawyers)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Vermop Salmon GmbH (Gilching, Germany)**Form of order sought**

The applicant claims that the Court should:

- Overturn the decisions of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 31 January 2013, joined Cases R 1873/2011-1 and R 1881/2011-1;
- Order OHIM to bear its own costs as well as the costs of the applicant.

**Pleas in law and main arguments***Registered Community trade mark in respect of which a declaration of invalidity has been sought:* The figurative mark 'TWISTER' for goods in classes 3, 7 and 21 — Community trade mark registration No 4 617 932*Proprietor of the Community trade mark:* The applicant*Applicant for the declaration of invalidity of the Community trade mark:* The other party to the proceedings before the Board of Appeal*Grounds for the application for a declaration of invalidity:* The application of invalidity was based on Articles 53(1)(a) and 8 (1)(b) of Council Regulation No 207/2009*Decision of the Cancellation Division:* Declared the contested Community trade mark partially invalid*Decision of the Board of Appeal:* Dismissed the appeal partially*Pleas in law:* Infringement of Article 7(1)(c) of Council Regulation No 207/2009.