

Decision of the Opposition Division: Opposition rejected

Decision of the Board of Appeal: Appeal dismissed

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

Action brought on 22 May 2013 — Nutrexpa v OHIM — Kraft Foods Italia Intellectual Property (Cuétara MARÍA ORO)

(Case T-271/13)

(2013/C 215/20)

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 18 March 2013 in Case R 1285/2012-1, whereby it rejected the application for registration of Community figurative trade mark No 9 056 045 ‘Cuétara MARÍA ORO’ for ‘Preserved and dried fruits; preserved, dried and cooked vegetables’ (Class 29) and ‘Flour and preparations made from cereals, bread, pastry and confectionery, ices; 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 MARÍA ORO’ for goods in Classes 5,

29 and 30 — Application for registration of Community trade mark No 9 056 045

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 24 May 2013 — Golam v OHIM — meta Fackler Arzneimittel (METABIOMAX)

(Case T-281/13)

(2013/C 215/21)

Language in which the application was lodged: Greek

Parties

Applicant: Sofia Golam (Athens, Greece) (represented by: N. Trovas, lawyer)

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

Other party to the proceedings before the Board of Appeal: meta Fackler Arzneimittel GmbH (Springe, Germany)

Form of order sought

The applicant claims that the General Court should:

- uphold the present action, so as to annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 March 2013 in Case R 2022/2011-2;
- reject the opposition of the other party before the Board of Appeal and grant the application lodged by the applicant in its entirety;
- order the other party before the Board of Appeal to pay the applicant the costs of the present proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: Sofia Golam

Community trade mark concerned: the word mark 'METABIOMAX' for goods in Classes 5, 16 and 30 — Community trade mark application No 8885261

Proprietor of the mark or sign cited in the opposition proceedings: meta Fackler Arzneimittel GmbH

Mark or sign cited in opposition: the German word mark 'meta-biarex' which has been registered under No 857721, for goods in Class 5

Decision of the Opposition Division: opposition upheld in part

Decision of the Board of Appeal: decision of the Opposition Division annulled in part

Pleas in law: infringement of Article 8(1)(b) and Article 8(5) of Council Regulation No 207/2009 of 26 February 2009

— Order OHIM to pay the costs, including those incurred by the applicant before the board of Appeal;

— Order the intervener to pay the costs, including those incurred by the applicant before the board of Appeal.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'United Autoglas' for goods and services in classes 1, 12 and 37 — Community trade mark registration No 6 025 498

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: United Kingdom and Polish trade mark registrations of figurative marks containing the word element 'AUTOGLASS' and the word marks 'AUTOGLASS' for goods and services in classes 12, 21 et 37

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) and (5) of Council Regulation No 207/2009.

Action brought on 29 May 2013 — Junited Autoglas Deutschland/OHIM — Belron Hungary (United Autoglas)

(Case T-297/13)

(2013/C 215/22)

Language in which the application was lodged: English

Parties

Applicant: Junited Autoglas Deutschland (Cologne, Germany) (represented by: C. Weil, lawyer)

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

Other party to the proceedings before the Board of Appeal: Belron Hungary Kft — Zug Branch (Zug, Switzerland)

Form of order sought

The applicant claims that the Court should:

— Annul the contested decision;

— Dismiss the opposition filed by the intervener to the application for registration of the Community trademark 'United Autoglas';

Action brought on 3 June 2013 — LemonAid Beverages/OHIM — Pret a Manger (Europe) (Lemonaid)

(Case T-298/13)

(2013/C 215/23)

Language in which the application was lodged: English

Parties

Applicant: LemonAid Beverages GmbH (Hamburg, Germany) (represented by: U. Lüken and J. Natzel, lawyers)

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

Other party to the proceedings before the Board of Appeal: Prêt à Manger (Europe) Ltd (London, United Kingdom)