

Pleas in law and main arguments

Registered Community trade mark in respect of which an application for revocation has been made: The word mark 'ARGENTARIA' for goods and services in Classes 1 to 42 — Community trade mark No 159 707

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

Party applying for revocation of the Community trade mark: The applicant

Decision of the Cancellation Division: Declared the cancellation proceedings closed following the surrender of the contested services by the CTM proprietor

Decision of the Board of Appeal: Dismissed the appeal as inadmissible

Pleas in law: Infringement of Articles 51 (1)(a) and 80 CTMR.

Action brought on 20 September 2013 — Urb Rulmenti Suceava v OHIM — Adiguzel (URB)

(Case T-506/13)

(2013/C 352/32)

Language in which the application was lodged: English

Parties

Applicant: Urb Rulmenti Suceava SA (Suceava, Romania) (represented by: I. Burdusel, lawyer)

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

Other party to the proceedings before the Board of Appeal: Harun Adiguzel (Diosd, Hungary)

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 12 July 2013 given in Case R 1309/2012-4;
- Order the defendant to pay the costs of present proceedings; and
- Order the other party to the proceedings before the Board of Appeal to pay the costs incurred during the proceedings before the OHIM.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: The word mark 'URB' for goods in Classes 6 and 7 — Community trade mark registration No 7 380 009

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: Absolute grounds for invalidity under Article 52(1)(b) CTMR and relative grounds for invalidity under Article 8(1)(b) in conjunction with Article 53(1)(a) CTMR

Decision of the Cancellation Division: Rejected the request for a declaration of invalidity

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 52(1)(b), 53(1)(a) and 72 CTMR.

Action brought on 20 September 2013 — Government of Malaysia v OHIM — Vergamini (HALAL MALAYSIA)

(Case T-508/13)

(2013/C 352/33)

Language in which the application was lodged: English

Parties

Applicant: Government of Malaysia (Putrajaya, Malaysia) (represented by: R. Volterra, Solicitor, R. Miller, Barrister, V. von Bomhard and T. Heitmann, lawyers)

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

Other party to the proceedings before the Board of Appeal: Paola Vergamini (Castelnuovo di Garfagnana, Italy)

Form of order sought

The applicant claims that the 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 27 June 2013 given in Case R 326/2012-1; and
- Order that the costs of proceedings be borne by the defendant and by the other party to the proceedings before the Board of Appeal, if it joins as the intervener.

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The figurative mark containing the verbal elements 'HALAL MALAYSIA' for goods and services in Classes 5, 18, 25, 29, 30, 31, 32 and 43 — Community trade mark application No 9 169 343

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: The non-registered figurative mark containing the verbal elements 'HALAL MALAYSIA', which is well known in all 27 Member States of the European Union within the meaning of Article 8(2)(c) CTMR in conjunction with Article 6bis of the Paris Convention and for the purpose of Article 8(4) CTMR a non-registered figurative mark in the United Kingdom

Decision of the Opposition Division: Rejected the opposition in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8(4) CTMR.

Action brought on 23 September 2013 — AgriCapital v OHIM — agri.capital (AGRI.CAPITAL)

(Case T-514/13)

(2013/C 352/34)

Language in which the application was lodged: English

Parties

Applicant: AgriCapital Corp. (New York, United States) (represented by: P. Meyer and M. Gramsch, lawyers)

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

Other party to the proceedings before the Board of Appeal: agri.capital GmbH (Münster, Germany)

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 10 July 2013 given in Case R 2236/2012-2;
- Order the defendant and the other party to the proceedings before the Board of Appeal to bear their own costs of proceedings, as well as those incurred by the applicant.

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The word mark 'AGRI.CAPITAL' for goods and services in Classes 4, 7, 35, 36, 37, 39, 40, 42 and 45 — Community trade mark application No 8 341 323

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: Community trade mark registration No 6 192 322 for the word mark 'AgriCapital' for services in Class 36 and Community trade mark registration No 4 589 339 for the word mark 'AGRICAPITAL' for services in Class 36

Decision of the Opposition Division: Rejected the opposition in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8 (1)(b) CTMR.