

**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.

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**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.

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