

Action brought on 19 September 2013 — Éditions Quo Vadis v OHIM — Gómez Hernández ('QUO VADIS')

(Case T-517/13)

(2013/C 352/35)

*Language in which the application was lodged: English***Parties***Applicant:* Éditions Quo Vadis (Carquefou, France) (represented by: F. Valentin, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Francisco Gómez Hernández (Jacarilla, Spain)**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 10 July 2013 given in Case R 1166/2012-4.

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 'QUO VADIS' for goods and services in Classes 29, 33 and 35 — Community trade mark application No 8 871 758*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant*Mark or sign cited in opposition:* French trade mark No 92 422 947 for the word mark 'QUO VADIS' for goods and services in Classes 9, 38 and 42 and French trade mark No 1 257 750 for the word mark 'QUO VADIS' for goods in Class 16*Decision of the Opposition Division:* Upheld the opposition for part of the contested goods and services*Decision of the Board of Appeal:* Annulled the contested decision and rejected the opposition*Pleas in law:* Infringement of Article 8(5) CTMR.**Action brought on 23 September 2013 — Future Enterprises v OHIM — McDonald's International Property (MACCOFFEE)**

(Case T-518/13)

(2013/C 352/36)

*Language in which the application was lodged: English***Parties***Applicant:* Future Enterprises Pte Ltd (Singapore, Singapore) (represented by: J. Olsen, B. Hitchens, R. Sharma and M. Henshall, Solicitors)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* McDonald's International Property Co. Ltd (Wilmington, United States)**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 13 June 2013 given in Case R 1178/2012-1; and
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* The word mark 'MACCOFFEE' for goods in Classes 29, 30 and 32 — Community trade mark registration No 7 307 382*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 grounds were those laid down in Article 53(1)(a) in conjunction with Articles 8(1)(a) and (b), 8(2)(c) and 8(5) CTMR*Decision of the Cancellation Division:* Upheld the request for invalidity in its entirety*Decision of the Board of Appeal:* Dismissed the appeal*Pleas in law:* Infringement of Article 8(5) CTMR.