

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

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs);
- order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: three-dimensional mark representing the shape of a box, for goods and services in Classes 28 and 35

Decision of the Examiner: Refusal of the application

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Misinterpretation of Article 7(1)(b) of Regulation No 207/2009

Action brought on 15 October 2013 — Aderans v OHIM — Ofer (VITALHAIR)

(Case T-548/13)

(2013/C 367/62)

Language in which the application was lodged: German

Parties

Applicant: Aderans Company Ltd (Tokyo, Japan) (represented by: M. Graf, lawyer)

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

Other party to the proceedings before the Board of Appeal: Gerhard Ofer (Troisdorf, Germany)

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 1 August 2013 in Case R 1467/2012-1;
- Order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: the figurative mark 'VITALHAIR' for goods in Classes 3, 21 and 26 — Community trade mark application No 7 254 378

Proprietor of the mark or sign cited in the opposition proceedings: Gerhard Ofer

Mark or sign cited in opposition: the Community word mark 'Haar-Vital' and the German figurative mark 'HAARVITAL' for goods and services in Classes 3, 26 and 44

Decision of the Opposition Division: the opposition was upheld in part

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Articles 42(2) and (3) and 8(1)(b) of Regulation (EC) No 207/2009

Action brought on 14 October 2013 — France v Commission

(Case T-549/13)

(2013/C 367/63)

Language of the case: French

Parties

Applicant: French Republic (represented by: G. De Bergues, D. Colas and C. Candat, acting as Agents)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul Commission's Implementing Regulation (EU) No 689/2013 of 18 July 2013 fixing the export refunds on poultrymeat;
- order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging infringement of the obligation to state reasons, in so far as the Commission's reasoning was not clear and unequivocal and, consequently, it did not allow the interested parties to know the reasons for the contested regulation. The applicant claims that:
 - first, obligation to state reasons for the contested regulation was even more fundamental because the Commission had, for the adoption of the contested regulation, a wide discretion and,