

**Form of order sought**

- Annul in its entirety the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 30 August 2013 in Case R 2333/2012-4; and
- Order OHIM to pay the costs incurred by Lesaffre in the proceedings before the General Court and before the Fourth Board of Appeal.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Louis Baking Company, SL

*Community trade mark concerned:* Coloured figurative mark containing the word elements 'BAKING CENTER By TECHNOLINE' for goods and services in Classes 30, 35 and 42 — Application for Community trade mark No 9 195 793

*Proprietor of the mark or sign cited in the opposition proceedings:* Applicant

*Mark or sign cited in opposition:* French mark 'BAKING CENTER' for services in Class 41

*Decision of the Opposition Division:* Rejection of the opposition

*Decision of the Board of Appeal:* Dismissal of the appeal

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

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**Action brought on 8 November 2013 — Canal + and Canal + France v OHIM — Euronews (News+)**

(Case T-591/13)

(2014/C 31/21)

*Language in which the application was lodged:* French

**Parties**

*Applicants:* Canal + SA (Issy-Les-Moulineaux, France) and Canal + France (Issy-Les-Moulineaux) (represented by: L. Barissat, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Euronews (Ecully, France)

**Form of order sought**

The applicants claim that the General Court should:

- rule that there is a likelihood of confusion or association within the meaning of Article 8(1)(b) of Regulation No 207/2009 between the trade mark applied for, NEWS+, and the earlier French word mark ACTU+ No 063 457 667 in respect of the contested services;
- amend paragraphs 23 to 35 of the decision of the Board of Appeal dated 9 September 2013 and refuse registration of the mark NEWS+, applied for in application No 9 141 003;
- in the alternative, annul the decision of the Board of Appeal of 9 September 2013, which dismissed the appeal and confirmed, in breach of Article 8(1)(b) of Regulation No 207/2009, the contested decision rejecting the opposition filed against the application for a Community trade mark NEWS+ No 9 141 003 on the basis of the earlier mark ACTU+ No 063 457 667.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Euronews

*Community trade mark concerned:* Word mark 'News+' for services in Classes 35, 38 and 41 — Community trade mark application No 9 141 003

*Proprietors of the mark or sign cited in the opposition proceedings:* The applicants

*Mark or sign cited in opposition:* French trade mark 'ACTU+' for goods and services in Classes 9, 28, 35, 38, 39 and 41

*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.

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**Action brought on 14 November 2013 — Siemag Tecberg Group v OHIM (Winder Controls)**

(Case T-593/13)

(2014/C 31/22)

*Language of the case:* German

**Parties**

*Applicant:* Siemag Tecberg Group GmbH (Haiger, Germany) (represented by T. Sommer, lawyer)

*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 Fourth Board of Appeal of OHIM of 5 September 2013 in Case R 1261/2013-4;
- Order OHIM to pay the costs;
- Set a date for the hearing.

### Pleas in law and main arguments

*Community trade mark concerned:* the word mark ‘Winder Controls’ for goods and services in Classes 7, 9, 35, 37, 41 and 42 — Community trade mark application No 11 542 412

*Decision of the Examiner:* the application was rejected

*Decision of the Board of Appeal:* the appeal was dismissed

*Pleas in law:* Infringement of Article 7(1)(b) and (c) of Regulation (EC) No 207/2009

### Action brought on 15 November 2013 — Bimbo v OHIM (FIBRA PROTEÍNAS NUTRIENTES)

(Case T-600/13)

(2014/C 31/23)

*Language of the case:* Spanish

### Parties

*Applicant:* Bimbo, SA (Barcelona, Spain) (represented by: J. Carbonell Callicó, lawyer)

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

### Form of order sought

The applicant claims that the General Court should:

- annul the decision of the Board of Appeal of 11 September 2013 and, consequently, grant Community figurative mark No 11 094 381 for all of the goods in respect of which it is requested in Class 30;

- order the defendant to pay the costs of the proceedings, in accordance with Article 87(2) of the Rules of Procedure of the General Court.

### Pleas in law and main arguments

*Community trade mark concerned:* Figurative mark ‘FIBRA PROTEÍNAS NUTRIENTES’ for goods in Class 30 — Community trade mark application No 11 094 381

*Decision of the Examiner:* Application for registration rejected

*Decision of the Board of Appeal:* Appeal dismissed

*Pleas in law:*

- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009; and
- Infringement of Article 83 of Regulation No 207/2009 with regard to the principle of equal treatment and Articles 6 and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

### Action brought on 26 November 2013 — Romonta v Commission

(Case T-614/13)

(2014/C 31/24)

*Language of the case:* German

### Parties

*Applicant:* Romonta GmbH (Seegebiet Mansfelder Land, Germany) (represented by: I. Zenke, M. Vollmer, C. Telschow und A. Schulze, lawyers)

*Defendant:* European Commission

### Form of order sought

The applicant claims that the Court should:

- annul Commission Decision of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (2013/448/EU, OJ 2013 L 240, p. 27), in so far as Article 1(1) thereof rejects granting the applicant the supplementary quotas requested for the third trading period of the 2013 to 2020 emissions trading on the basis of the hardship clause under Paragraph 9(5) of the German Law on Greenhouse Gas Emissions Trading;