

**Form of order sought**

The appellant requests the Court to decide as follows:

- The decision of the Second Board of Appeal of the Office for the Harmonization in the Internal Market (Trade Marks and Designs) of 5 September 2013 (Case R 1704/2012-2) is overturned insofar as the EU-designation of International registration no. 1103198 GREASECUTTER is rejected.
- The defendant shall bear its own costs as well as the costs of the plaintiff.

**Pleas in law and main arguments**

*Community trade mark concerned:* The word mark 'GREASECUTTER' for goods in Classes 3 and 5 — International Registration No W 1103198

*Decision of the Examiner:* Refused protection of the International Registration designating the European Union

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

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

**Action brought on 21 November 2013 — Australian Gold v OHIM — Effect Management & Holding (HOT)**

(Case T-611/13)

(2014/C 24/63)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* Australian Gold LLC (Indianapolis, United States) (represented by: A. von Mühlendahl and H. Hartwig, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Effect Management & Holding GmbH (Vöcklabruck, Austria)

**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 September 2013 given in Case R 1881/2012-4;
- Order the defendant and the other party before the Board of Appeal, should it intervene, to pay the cost of proceedings.

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* The figurative mark containing the verbal element 'HOT' for goods in Classes 3, 5, 16 and 25 — International registration designating the European Union No 797 277

*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:* The grounds were those laid down in Article 52(1)(a) in conjunction with Article 7(1)(b)(c) CTMR

*Decision of the Cancellation Division:* Granted the application for a declaration of invalidity in part

*Decision of the Board of Appeal:* Dismissed the appeal in part

*Pleas in law:* Infringement of Article 52(1)(a) in conjunction with Article 7(1)(a)(b)(c) and Article 8(3) CTMR.

**Action brought on 20 November 2013 — AIC v OHIM — ACV Manufacturing (Heat exchangers)**

(Case T-615/13)

(2014/C 24/64)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* AIC S.A. (Gdynia, Poland) (represented by: J. Radłowski, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* ACV Manufacturing (Seneffe, Belgium)

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 September 2013 given in Case R 291/2012-3;