

- Infringement of Article 8(1)(b) and (5) of Regulation No 207/2009;
- Infringement of Article 76 of Regulation No 207/2009, and
- Infringement of Articles 15 and 42 of Regulation No 207/2009.

Action brought on 3 December 2013 — IOIP Holdings v OHIM (GLISTEN)

(Case T-648/13)

(2014/C 61/16)

Language of the case: English

Parties

Applicant: IOIP Holdings LLC (Fort Wayne, United States of America) (represented by: H. Dhondt and S. Kinart, lawyers)

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

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonization in the Internal Market (Trade Marks and Designs) of 11 September 2013 given in Case R 1028/2013-2;
- Order the Office to register the Community trade mark applied for;
- Order the defendant to bear the costs of proceedings.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'GLISTEN' for goods in Class 3 — Community trade mark application No 11 305 273

Decision of the Examiner: Rejected the application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(b) and (c) CTMR

Action brought on 12 December 2013 — Time v OHIM (InStyle)

(Case T-651/13)

(2014/C 61/17)

Language of the case: English

Parties

Applicant: Time Inc. (New York, United States) (represented by: D. Cañadas Arcas, lawyer)

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

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonization in the Internal Market (Trade Marks and Designs) of 20 September 2013 given in Case R 827/2013-2;
- Order the defendant to bear the costs of proceedings, including the costs of the appeal proceeding incurred before the Office.

Pleas in law and main arguments

Community trade mark concerned: The figurative trade mark for goods and services in Classes 9, 16 and 41 — Community trade mark application No 11 264 223

Decision of the Examiner: Rejected partially the application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(b) and (c) and Article 7(2) CTMR.

Action brought on 10 December 2013 — The Smiley Company v OHIM (Shape of a cookie)

(Case T-656/13)

(2014/C 61/18)

Language of the case: English

Parties

Applicant: The Smiley Company SPRL (Brussels, Belgium) (represented by: A. Freitag, lawyer)