

*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 First Board of Appeal of the Office for Harmonization in the Internal Market (Trade Marks and Designs) of 17 October 2013 given in Case R 609/2013-1;

— Order the defendant to bear the costs of proceedings.

### Pleas in law and main arguments

*Community trade mark concerned:* Word mark 'REHABILITATE' for goods in Classes 5, 30 and 32 — Community trade mark application No 10 834 802

*Decision of the Examiner:* Rejected the application

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

*Pleas in law:* Infringement of Article 7(1)(c) and Article 4 CTMR

**Action brought on 30 December 2013 — 9Flats v OHIM — Tibesoca (9flats.com)**

(Case T-713/13)

(2014/C 61/30)

*Language in which the application was lodged:* German

### Parties

*Applicant:* 9Flats GmbH (Hamburg, Germany) (represented by: H. Stoffregen, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Tibesoca, SL (Valencia, Spain)

### Form of order sought

The applicant claims that the Court should:

— annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 25 October 2013 in Case R 1671/2012-2;

— annul the decision of OHIM's Opposition Division of 13 July 2012 in opposition proceedings No B 1 898 686;

— reject the opposition to registration of the mark '9flats.com' — Community trade mark application No 9 832 635

### Pleas in law and main arguments

*Applicant for a Community trade mark:* 9Flats GmbH

*Community trade mark concerned:* Word mark '9flats.com' for services in Classes 36, 38, 39 and 43 — Community trade mark application No 9 832 635

*Proprietor of the mark or sign cited in the opposition proceedings:* Tibesoca, SL

*Mark or sign cited in opposition:* Spanish figurative mark which includes the number and word elements '40 flats apartments' for services in Class 43, Spanish figurative mark which includes the number and word elements '11 flats apartments' for services in Class 43, and Spanish figurative mark which includes the numbers and the word element '50 flats' for services in Class 43

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

*Decision of the Board of Appeal:* Annulment in part of the decision of the Opposition Division

*Pleas in law:* Infringement of Article 8(1)(b) and of Article 7(1)(c) of Regulation No 207/2009

**Action brought on 23 December 2013 — Gold Crest v OHIM (MIGHTY BRIGHT)**

(Case T-714/13)

(2014/C 61/31)

*Language of the case:* English

### Parties

*Applicant:* Gold Crest LLC (Santa Barbara, United States) (represented by: P. Rath and W. Festl-Wietek, 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 8 October 2013 given in Case R 2038/2012-2;
- Declare the Community trade mark applied for eligible for registration;
- Order the defendant to bear the costs of proceedings.

**Pleas in law and main arguments**

*Community trade mark concerned:* The word mark 'MIGHTY BRIGHT' for goods and services in Class 11 — Community trade mark application No 10 853 141

*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) and Article 65(2) CTMR.

**Action brought on 6 January 2014 — Banco Mare Nostrum v Commission**

(Case T-16/14)

(2014/C 61/32)

*Language of the case:* Spanish

**Parties**

*Applicant:* Banco Mare Nostrum SA (Madrid, Spain) (represented by: J.L. Buendía Sierra, E. Abad Valdenebro, R. Calvo Salinero, A. Lamadrid de Pablo and A. Biondi, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the General Court should:

- annul the contested decision in so far as it categorises the measures which, according to that decision, together constitute the 'Spanish Tax Lease System' as new State aid that is incompatible with the internal market;

- in the alternative, annul Articles 1 and 4 of the contested decision, which identify the investors in the Economic Interest Groupings (EIGs) as beneficiaries of the alleged aid and as the sole addressees of the order for recovery;

- in the alternative, annul Article 4 of the contested decision, in so far as it orders recovery of the alleged aid;

- annul Article 4 of the contested decision, in so far as it makes a determination as to the lawfulness of the private contracts between the investors and other entities; and

- order the Commission to pay the costs of these proceedings.

**Pleas in law and main arguments**

The pleas in law and main arguments are those put forward in Case T-700/13 *Bankia v Commission*.

**Action brought on 6 January 2014 — Aguas de Valencia v Commission**

(Case T-18/14)

(2014/C 61/33)

*Language of the case:* Spanish

**Parties**

*Applicant:* Aguas de Valencia, SA (Valencia, Spain) (represented by: J.L. Buendía Sierra, E. Abad Valdenebro, R. Calvo Salinero and A. Lamadrid de Pablo, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the General Court should:

- annul the contested decision in so far as it categorises the measures which, according to that decision, together constitute the 'Spanish Tax Lease System' as new State aid that is incompatible with the internal market;

- in the alternative, annul Articles 1 and 4 of the contested decision, which identify the investors in the Economic Interest Groupings (EIGs) as beneficiaries of the alleged aid and as the sole addressees of the order for recovery;

- in the alternative, annul Article 4 of the contested decision, in so far as it orders recovery of the alleged aid;