

Pleas in law:

- Infringement of the second sentence of Article 75 of Regulation No 207/2009
- Infringement of Article 74 of Regulation No 207/2009
- Infringement of Article 52(1)(b) of Regulation No 207/2009

Action brought on 4 February 2014 — LTJ Diffusion v OHIM — Arthur et Aston (ARTHUR & ASTON).

(Case T-83/14)

(2014/C 112/65)

Language in which the application was lodged: French

Parties

Applicant: LTJ Diffusion (Colombes, France) (represented by: S. Lederman, lawyer)

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

Other party to the proceedings before the Board of Appeal: Arthur et Aston SAS (Giberville, France)

Form of order sought

The applicant claims that the General Court should:

- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market of 2 December 2013 in Case R 1963/2012-1 in so far as it ruled that the use of the earlier mark 'ARTHUR' No 17731 did not comply with the provisions of Article 15(1)(a) of Regulation No 207/2009;
- if the Court, following its case-law (judgment of 4 June 2013, Case T-514/11, 'DECATHLON'), finds that it has no power to rule on the merits of the opposition filed by the company LTJ DIFFUSION on 14 April 2011 since the Board of Appeal has not yet adopted a position, it is also asked the following: to refer the case to the competent formation of the Court for a ruling to be made on the merits of the opposition filed by the company LTJ DIFFUSION on 14 April 2011 against the application for registration of the Community trade mark No 9509911, relating to the word sign 'ARTHUR & ASTON', to designate certain goods in Classes 3, 9, 14 and 25 and specifically '*footwear, boots and shoes*'.

Pleas in law and main arguments

Applicant for a Community trade mark: Arthur et Aston SAS

Community trade mark concerned: Word mark 'ARTHUR & ASTON' for goods in Classes 3, 9, 14 and 25 (Community trade mark application No 9 509 911)

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

Mark or sign cited in opposition: National semi-figurative trade mark containing the word element 'Arthur' for goods in Class 25.

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 15(1)(a) of Regulation No 207/2009 Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 12 February 2014 — Tecalan v OHIM (TECALAN)

(Case T-100/14)

(2014/C 112/66)

Language in which the application was lodged: German

Parties

Applicant: Tecalan GmbH (Grünberg, Germany) (represented by: S. Holthaus, lawyer)

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

Other party to the proceedings before the Board of Appeal: Ensinger GmbH (Nufringen, 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 11 December 2013 in Case R 2308/2012-1;
- order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Tecalan GmbH

Community trade mark concerned: Wordmark TECALAN for goods in Class 17 (Community trade mark registration No 6 203 285)

Proprietor of the mark or sign cited in the opposition proceedings: Ensinger GmbH

Mark or sign cited in opposition: Word mark TECADUR for goods in Class 17

Decision of the Opposition Division: Opposition upheld

Decision of the Board of Appeal: Appeal dismissed

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

Action brought on 10 February 2014 — British Aggregates v Commission

(Case T-101/14)

(2014/C 112/67)

Language of the case: English

Parties

Applicant: British Aggregates Association (Lanark, United Kingdom) (represented by: L. Van den Hende, lawyer, and L. Geary, Solicitor)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Order the annulment pursuant to Article 263 TFEU of the Commission Decision of 31 July 2013 C(2013) 4901 final published in the Official Journal of the European Union on 28 November 2013 in Case SA.34775 (ex N863/2001) — Aggregates Levy;
- Order that the defendant pay the applicant's costs in these proceedings.

Pleas in law and main arguments

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