

Pleas in law: Infringement of Article 51(1)(a) of Regulation No 207/2009 in conjunction with Article 15 of Regulation No 207/2009

Action brought on 31 March 2014 — PSL/OHIM — Consortium Ménager Parisien (Representation of a watch)

(Case T-212/14)

(2014/C 245/23)

Language in which the application was lodged: English

Parties

Applicant: PSL Ltd (Kowloon, Hong-Kong) (represented by: R. Dissmann and J. Bogatz, lawyers)

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

Other party to the proceedings before the Board of Appeal: Consortium Ménager Parisien (Paris, France)

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 20 January 2014 in Case R 1495/2012-3;
- Order the defendant to pay the costs of the proceedings before the court as well as the appeal proceedings before the Board of Appeals.

Pleas in law and main arguments

Registered Community design in respect of which a declaration of invalidity has been sought: Design representing a watch for goods in Class 10-02 — Community Design No 1 600 560-0001

Proprietor of the Community design: The applicant

Applicant for the declaration of invalidity of the Community design: Consortium Menager Parisien

Grounds for the application for a declaration of invalidity: Lack of individual character within the meaning of Article 6(1)(b) of Regulation No 6/2002

Decision of the Cancellation Division: Rejected the application for invalidity

Decision of the Board of Appeal: Annulled the contested decision and declared the contested design invalid

Pleas in law: Infringement of Article 6 of Regulation No 6/2002

Action brought on 11 April 2014 — CBM Creative Brands Marken v OHIM — Aeronautica Militare — Stato Maggiore (Trecolore)

(Case T-227/14)

(2014/C 245/24)

Language in which the application was lodged: English

Parties

Applicant: CBM Creative Brands Marken GmbH (Zürich, Switzerland) (represented by: U. Lüken, M. Grundmann and N. Kerger, lawyers)

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

Other party to the proceedings before the Board of Appeal: Aeronautica Militare — Stato Maggiore (Rome, Italy)

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 29 January 2014 in Case R 253/2013-1 in so far as the First Board of Appeal annuls the decision of the Opposition Division and upholds the opposition against the application mark rejecting the application No 009 877 325 in regard of the goods in classes 18 and 25;
- Dismiss the opposition against Application No 009 877 325 in its entirety;
- Order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'Trecolare' for goods and services in Classes 18, 25 and 35 — Community trade mark application No 9 877 325

Proprietor of the mark or sign cited in the opposition proceedings: Aeronautica Militare — Stato Maggiore

Mark or sign cited in opposition: The community and national word and figurative mark 'FRECCE TRICOLORI', for goods and services in Classes 9, 14, 16, 18, 20, 25, 28 and 41

Decision of the Opposition Division: Rejected the opposition in its entirety

Decision of the Board of Appeal: Annulled the contested decision in part

Pleas in law: Infringement of articles 8(1)(b) and 8(5) of Regulation No 207/2009

Action brought on 14 April 2014 — CBM Creative Brands Marken v OHIM — Aeronautica Militare — Stato Maggiore (TRECOLORE)

(Case T-228/14)

(2014/C 245/25)

Language in which the application was lodged: English

Parties

Applicant: CBM Creative Brands Marken GmbH (Zürich, Switzerland) (represented by: U. Lüken, M. Grundmann and N. Kerger, lawyers)

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

Other party to the proceedings before the Board of Appeal: Aeronautica Militare — Stato Maggiore (Rome, Italy)

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 29 January 2014 in Case R 594/2013-1 in so far as the First Board of Appeal upheld the decision of the opposition division rejecting the Application No 009 877 391 in regard of the goods in classes 18 and 25 and in regard of the services 'Retail services, including via websites and teleshopping, in relation to clothing, footwear, headgear, sunglasses, precious metals and their alloys and goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, leather and imitations of leather, and goods made of these materials, animal skins, hides, trunks and travelling bags, bags, handbags, wallets, purses, key cases, rucksacks, pouches, umbrellas, parasols and walking sticks, whips, harness and saddlery' of class 35;