

- Infringement of the rules on abuse of law in conjunction with Article 56(1)(b) of Regulation No 207/2009 and Article 54(2) of Regulation No 207/2009;
- Infringement of Article 64(1) of Regulation No 207/2009

Action brought on 13 May 2014 — Compagnie des fromages & Richesmots v OHIM — Grupo Lactalis Iberia (Representation of a red and white chessboard)

(Case T-327/14)

(2014/C 235/38)

Language in which the application was lodged: French

Parties

Applicant: Compagnie des fromages & Richesmots (Puteaux, France) (represented by: T. Mollet-Vieville and T. Cuche, lawyers)

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

Other party to the proceedings before the Board of Appeal: Grupo Lactalis Iberia, SA (Madrid, Spain)

Form of order sought

- Find that Community trade mark No 6 059 687 is valid for the designation of cheeses;
- In consequence, annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market of 3 March 2014 in its entirety in so far as it ruled that Community trade mark No 6 059 687 is invalid;
- In the alternative, annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market of 3 March 2014 in its entirety in so far as it ruled that Community trade mark No 6 059 687 is invalid for the designation of cheeses;
- Order the Office for Harmonisation in the Internal Market to pay the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: Representation of a red and white chessboard

Proprietor of the Community trade mark: The applicant

Applicant for the declaration of invalidity of the Community trade mark: Grupo Lactalis Iberia, SA

Grounds for the application for a declaration of invalidity: Absolute grounds provided for in Article 52(1)(a) of Regulation No 207/2009, in conjunction with Article 7(1)(b), (c) and (d) of Regulation No 207/2009

Decision of the Cancellation Division: Rejection of the application for invalidity

Decision of the Board of Appeal: Annulment of the decision of the Cancellation Division and declaration of invalidity of the mark in question

Pleas in law: The Board of Appeal erred in fact and in law (infringement of Article 7(1)(b) and (c) of Regulation No 207/2009; infringement of Article 52(1)(a) of Regulation No 207/2009)

Action brought on 13 May 2014 — Helbrecht v OHIM — Lenci Calzature (SportEyes)

(Case T-333/14)

(2014/C 235/39)

Language in which the application was lodged: German

Parties

Applicant: Andreas Helbrecht (Hilden, Germany) (represented by: C. König, lawyer)

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

Other party to the proceedings before the Board of Appeal: Lenci Calzature SpA (Turchetto-Montecarlo, Italy)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 February 2014 in Case R 830/2013-5;
- Order the Office for Harmonisation in the Internal Market (Trade Marks and Designs) and Lenci Calzature SpA, if it should intervene in these proceedings, 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 'SportEyes' for goods in Class 25 — Community trade mark application No 7 504 525

Proprietor of the mark or sign cited in the opposition proceedings: Lenci Calzature SpA

Mark or sign cited in opposition: the figurative marks including the word elements 'EYE SPORT EYE', 'EYE fashion EYE' and 'EYE' for goods in Class 25

Decision of the Opposition Division: the opposition was upheld

Decision of the Board of Appeal: the appeal was dismissed

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

Action brought on 21 May 2014 — Lidl Stiftung v OHIM (Deluxe)

(Case T-344/14)

(2014/C 235/40)

Language of the case: German

Parties

Applicant: Lidl Stiftung & Co. KG (Neckarsulm, Germany) (represented by M. Kefferpütz and A. Wrage, lawyers)

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