

*Mark or sign cited in opposition:* The figurative mark containing the word elements 'joker +' for goods in Classes 28 and 41

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

*Decision of the Board of Appeal:* The appeal was rejected

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation No 207/2009; infringement of Article 75 ff. of Regulation No 207/2009; infringement of OHIM's duty to exercise its powers in accordance with the general principles of European Union Law.

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**Action brought on 8 May 2014 — Rezon OOD v OHIM — mobile.international GmbH (mobile.de proMotor)**

**(Case T-337/14)**

(2014/C 245/32)

*Language in which the application was lodged: Bulgarian*

**Parties**

*Applicant:* Rezon OOD (Sofia, Bulgaria) (represented by: P. Kanchev and T. Ignatova, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* mobile.international GmbH (Dreilinden, Germany)

**Form of order sought**

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 February 2014 in Case R 950/2013-1;
- grant the applications made to the divisions and boards of appeal of OHIM;
- grant in its entirety the application for a declaration of invalidity of the Community trade mark mobile.international GmbH;
- order reimbursement of the applicant's costs;
- order that experts be appointed to produce a written report on the evidential issues raised in the action.

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* Word mark 'mobile.de proMotor' for services in classes 35, 38, 41 and 42 — Community trade mark registration No 4 896 643.

*Proprietor of the Community trade mark:* The other party to the proceedings before the Board of Appeal.

*Applicant for the declaration of invalidity of the Community trade mark:* The applicant, Rezon OOD.

*Grounds for the application for a declaration of invalidity:* Relative ground for invalidity under Article 53(1) in conjunction with Article 8(1)(b) and (c) of Regulation No 207/2009.

*Decision of the Cancellation Division:* Application dismissed.

*Decision of the Board of Appeal:* Appeal dismissed.

*Pleas in law:* Infringement of Article 78(1)(e) of Regulation No 207/2009, in conjunction with Article 76 thereof and with Rule 22(3) of Regulation No 2868/95; infringement of Article 53(1)(a) of Regulation No 207/2009; conflict, in the light of EU enlargement, between the Community trade mark registered subsequently and an earlier national trade mark.

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**Action brought on 21 May 2014 — The Smiley Company v OHIM — The Swatch Group Management Services (HAPPY TIME)**

**(Case T-352/14)**

(2014/C 245/33)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* The Smiley Company SPRL (Bruxelles, Belgium) (represented by: I. Helbig, P. Hansmersmann and S. Rengshausen, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* The Swatch Group Management Services AG (Biel, Switzerland)

**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 6 February 2014 in Case R 1497/2013-1;
- Dismiss the opposition by amendment of the contested decision;
- Order OHIM to pay the applicant's costs before the General Court and order the intervener to pay the applicant's costs before the Board of Appeal.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The word mark 'HAPPY TIME' for goods and services in Classes 14 and 35 — Community trade mark application No 10 106 813

*Proprietor of the mark or sign cited in the opposition proceedings:* The Swatch Group Management Services AG

*Mark or sign cited in opposition:* International registration protected with effect in the European Union of the word mark 'HAPPY HOURS' for services in Classes 35 and 37

*Decision of the Opposition Division:* The opposition was partially upheld

*Decision of the Board of Appeal:* The appeal was dismissed

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

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**Action brought on 30 May 2014 — Al Naggar v Council**

**(Case T-375/14)**

(2014/C 245/34)

*Language of the case: French*

**Parties**

*Applicant:* Shahinaz Abdel Azizabdel Wahab Al Naggar (Cairo, Egypt) (represented by: J.-F. Bellis, R. Luff, A. Bailleux, Q. Declève, P. Vovan, S. Rowe and A. Yehia, lawyers)

*Defendant:* Council of the European Union