

- infringement of the Article 8 of Regulation No 40/94 and failure to provide adequate reasons as regards the similarity between the mark GROK of San Lucio and the mark CRIK CROK of ICA;
- infringement of the Article 8 of Regulation No 40/94 and failure to provide adequate reasons in respect of the repute of the mark CRIK CROK of ICA.

Action brought on 26 November 2014 — Fon Wireless v OHIM — Henniger (NEOFON — FON ET AL.)

(Case T-777/14)

(2015/C 026/52)

Language in which the application was lodged: English

Parties

Applicant: Fon Wireless Ltd (London, United Kingdom) (represented by: J. Devaureix and L. Montoya Terán, lawyers)

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

Other party to the proceedings before the Board of Appeal: Andreas Henniger (Starnberg, Germany)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community word mark 'Neofon' — Community trade mark application No 10 674 893

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 15 September 2014 in Case R 2519/2013-4

Form of order sought

The applicant claims that the Court should:

- Annul the contested decision and consequently, take necessary steps to ensure the effectiveness of the decision of the Court;
- Order OHIM to pay the costs.

Plea in law

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

Action brought on 26 November 2014 — Ugly v OHIM — Group Lottuss (COYOTE UGLY)

(Case T-778/14)

(2015/C 026/53)

Language in which the application was lodged: English

Parties

Applicant: Ugly, Inc. (New York, United States) (represented by: T. St Quintin, Barrister, K. Gilbert and C. Mackey, Solicitors)

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

Other party to the proceedings before the Board of Appeal: Group Lottuss Corp., SL (Barcelona, Spain)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community word mark 'COYOTE UGLY' — Community trade mark application No 1 226 198

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 16 September 2014 in Case R 1369/2013-5

Form of order sought

The applicant claims that the Court should:

- Annul the decisions of the Opposition Division and of the Board of Appeal and remit the opposition back to the Opposition Division for reconsideration;
- Order the other party to the proceedings before the Board of Appeal to pay the costs of proceedings.

Plea in law

- Infringement of Articles 8(1), 8(2) and 8(4) of Regulation No 207/2009.

Action brought on 20 November 2014 — TVR Automotive v OHIM — Cardoni (TVR ENGINEERING)

(Case T-781/14)

(2015/C 026/54)

Language in which the application was lodged: English

Parties

Applicant: TVR Automotive Ltd (Whiteley, United Kingdom) (represented by: A. von Mühlendahl, and H. Hartwig, lawyers)

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

Other party to the proceedings before the Board of Appeal: Fabio Cardoni (Milan, Italy)

Details of the proceedings before OHIM

Applicant of the trade mark at issue: The other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for registration No 11 132 602

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 8 September 2014 in Case R 2532/2013-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM and Mr Cardoni, if he should intervene in these proceedings, to pay the costs.

Plea in law

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