

- Inexistence of likelihood of confusion — Article 8(1)(b) CTMR;
- Existence of two earlier trademarks FONTOLIVA in Spain.

Action brought on 25 January 2016 — Haw Par v OHIM — Cosmowell (GelenkGold)

(Case T-25/16)

(2016/C 106/45)

Language in which the application was lodged: German

Parties

Applicant: Haw Par Corp. Ltd (Singapore, Singapore) (represented by: R. Härer, C. Schultze, J. Ossing, C. Weber, H. Ranzinger, C. Gehweiler, C. Brockmann, lawyers)

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

Other party to the proceedings before the Board of Appeal: Cosmowell GmbH (Sankt Johann in Tirol, Austria)

Details of the proceedings before OHIM

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

Trade mark at issue: Community figurative mark containing the word element 'GelenkGold' — Community trade mark No 9 957 978

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 4 November 2015 in Case R 1907/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM and the other party to the proceedings to pay the costs that the applicant incurred before the General Court and before the Board of Appeal.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of the second sentence of Article 75 of Regulation No 207/2009.

Action brought on 25 January 2016 — Caffè Nero Group v OHIM (CAFFÈ NERO)

(Case T-29/16)

(2016/C 106/46)

Language of the case: English

Parties

Applicant: Caffè Nero Group Ltd (London, United Kingdom) (represented by: L. Cassidy, Solicitor)

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

Details of the proceedings before OHIM

Trade mark at issue: Community word mark 'CAFFÈ NERO' — Application for registration No 13 238 019

Contested decision: Decision of the First Board of Appeal of OHIM of 4 November 2015 in Case R 410/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- allow Community trade mark application No. 13238019 to proceed to registration;
- waive the objections to the CTM Application under Articles 7(1)(b), (c) and (g) and Article 7(2);
- allow the CTM Application to proceed to acceptance and advertisement for all covered goods and services;
- order OHIM to pay the Applicant's costs in this matter.

Pleas in law

- Infringement of Article 7(1)(b), (c) and (g) of Regulation No 207/2009;
- Infringement of Article 7(2) of Regulation No 207/2009.

Action brought on 26 January 2016 — M.I. Industries v OHIM — Natural Instinct (Natural Instinct Dog and Cat food as nature intended)

(Case T-30/16)

(2016/C 106/47)

Language in which the application was lodged: English

Parties

Applicant: M.I. Industries, Inc. (Lincoln, United States) (represented by: T. Elias, Barrister, B. Cookson, Solicitor)

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

Other party to the proceedings before the Board of Appeal: Natural Instinct Ltd (Camberley, United Kingdom)

Details of the proceedings before OHIM

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community figurative mark containing the word elements 'Natural Instinct Dog and Cat food as nature intended' — Application for registration No 11 438 074

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 26 November 2015 in Case R 2944/2014-5