

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 10 October 2013 (Case R 1961/2912-2) concerning cancellation proceedings between Bolloré and The Directv Group, Inc.

Operative part of the order

1. *There is no further need to adjudicate on the action.*
2. *The applicant shall bear its costs, including those incurred by the defendant and the other party to the proceedings.*

⁽¹⁾ OJ C 112, 14.4.2014.

Action brought on 16 July 2014 — Sheraton International IP v OHIM — Staywell Hospitality Group (PARK REGIS)

(Case T-536/14)

(2014/C 339/24)

Language in which the application was lodged: English

Parties

Applicant: Sheraton International IP LLC (Stamford, United States) (represented by: E. Armijo Chávarri, lawyer)

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

Other party to the proceedings before the Board of Appeal: Staywell Hospitality Group Pty Ltd (Sydney, Australia)

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 30 April 2014 given in joined Cases R 240/2013-5 and R 303/2013-5;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The figurative mark containing the verbal elements 'PARK REGIS' for services in Classes 35, 36 and 43 — Community trade mark application No 9 488 933

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: CTM registrations, International trade mark registrations and well-known mark 'ST REGIS'

Decision of the Opposition Division: Upheld the opposition in part

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8(1)(b) CTMR.

Action brought on 21 July 2014 — Grupo Bimbo v OHIM (Form of round sandwich bread)

(Case T-542/14)

(2014/C 339/25)

Language of the case: Spanish

Parties

Applicant: Grupo Bimbo, SAB de CV (Mexico, Mexico) (represented by: N. Fernández Fernández-Pacheco, lawyer)

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

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 May 2014 in Case R 1911/2013-4, because it is unlawful and infringes the legal provisions in force concerning the Community trade mark; deliver a judgment in accordance with the claims set out in the application, whether on the basis of the intrinsic distinctiveness of the three-dimensional mark applied for or the distinctiveness acquired by use, upholding the present action and ordering the registration of the application for a three-dimensional Community trade mark No 11 747 987, for goods in class 30 of the International Classification, on the grounds that it is lawful and admissible;
- once the present action has been upheld and the trade mark in question has been registered, order the party opposing that claim to pay the costs of the proceedings and to reimburse the appeal fees paid to OHIM.

Pleas in law and main arguments

Community trade mark: Three-dimensional mark in the form of round sandwich bread for goods in class 30 — Community trade mark application No 11 747 987

Decision of the examiner: Application dismissed

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 7(1)(b) of Regulation No 207/2009

Action brought on 22 July 2014 — provima Warenhandels v OHIM — Renfro (HOT SOX)

(Case T-543/14)

(2014/C 339/26)

Language in which the application was lodged: German

Parties

Applicant: provima Warenhandels GmbH (Bielefeld, Germany) (represented by: J. Croll and H. Prange, lawyers)

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