

**Action brought on 29 July 2014 — Inditex v OHIM — Ansell (ZARA)****(Case T-584/14)**

(2014/C 339/32)

*Language in which the application was lodged: Spanish***Parties***Applicant:* Industria de Diseño Textil, SA (Inditex) (Arteixo, Spain) (represented by: C. Duch, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Zainab Ansell and Roger Ansell (Moshi, Tanzania)**Form of order sought**

The applicant claims that the General Court should:

- annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 May 2014 in Case R 1118/2013-2 in so far as it confirmed the revocation for non-use of the Community trade mark 'ZARA' No 112 755 in respect of the following services in Class 39: 'services in relation to the transport and distribution of goods, in particular, articles of clothing, shoes and accessories, perfumery and cosmetics', inasmuch as the Board of Appeal infringed Article 51(1)(a) of Regulation No 207/2009 by making the following errors:
- error of law by the Board of Appeal in regarding the franchisees of Inditex as integral entities of the internal organisation of the company when, in fact, they are legal entities independent of the Inditex Group;
- error in the assessment of the evidence, inasmuch as the Board of Appeal criticises the appellant for failing to adduce evidence of the turnover generated by the supply of transport services for the purposes of proving external use of the mark, and despite the fact that such evidence was adduced in the proceedings;
- order OHIM, and if appropriate, the intervener, to pay the costs.

**Pleas in law and main arguments***Registered Community trade mark in respect of which an application for revocation has been made:* Word mark 'ZARA' for services in Classes 39 and 42 — Community trade mark No 112 755*Proprietor of the Community trade mark:* Applicant*Party applying for revocation of the Community trade mark:* Zainab Ansell and Roger Ansell*Decision of the Cancellation Division:* Application for revocation granted*Decision of the Board of Appeal:* Appeal dismissed*Pleas in law:* Infringement of Article 51(1)(a) of Regulation No 207/2009

---

**Action brought on 14 August 2014 — Industrias Tomás Morcillo v OHIM — Aucar Trailer (Polycart A Whole Cart Full of Benefits)****(Case T-613/14)**

(2014/C 339/33)

*Language in which the application was lodged: Spanish***Parties***Applicant:* Industrias Tomás Morcillo, SL (Albuixech, Spain) (represented by: A. Sanz-Bermell y Martínez, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Aucar Trailer, SL (Premia de Mar, Spain)