

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant.

Community trade mark in respect of which registration is sought: a three-dimensional mark consisting of the form of a bottle, for goods in Class 32 — application No 010 751 584 for registration of a Community trade mark.

Decision of the Examiner: application rejected.

Decision of the Board of Appeal: appeal dismissed.

Pleas in law: Articles 4 and 7(1)(b) of Council Regulation (EC) No 207/2009, together with the case-law of the European Union Courts.

Action brought on 4 February 2014 — Copernicus-Trademarks v OHIM — Maquet (LUCEO)

(Case T-82/14)

(2014/C 112/64)

Language in which the application was lodged: German

Parties

Applicant: Copernicus-Trademarks Ltd (Borehamwood, United Kingdom) (represented by: F. Henkel, lawyer)

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

Other party to the proceedings before the Board of Appeal: Maquet GmbH & Co. KG (Rastatt, Germany)

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 25 November 2013 in Case R 2292/2012-4 and reject the application for a declaration of invalidity of the Community trade mark LUCEO, No 8 554 974;

In the alternative, annul the contested decision and refer the case back to the Board of Appeal;

— Order the defendant to pay the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: the word mark LUCEO for goods in Classes, 10, 12 and 28 — Community trade mark No 8 554 974

Proprietor of the Community trade mark: the applicant

Applicant for the declaration of invalidity of the Community trade mark: Maquet GmbH & Co. KG

Grounds for the application for a declaration of invalidity: Article 52(1)(b) of Regulation No 207/2009

Decision of the Cancellation Division: the application for a declaration of invalidity was granted

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law:

- Infringement of the second sentence of Article 75 of Regulation No 207/2009
- Infringement of Article 74 of Regulation No 207/2009
- Infringement of Article 52(1)(b) of Regulation No 207/2009

Action brought on 4 February 2014 — LTJ Diffusion v OHIM — Arthur et Aston (ARTHUR & ASTON).

(Case T-83/14)

(2014/C 112/65)

Language in which the application was lodged: French

Parties

Applicant: LTJ Diffusion (Colombes, France) (represented by: S. Lederman, lawyer)

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

Other party to the proceedings before the Board of Appeal: Arthur et Aston SAS (Giberville, France)

Form of order sought

The applicant claims that the General Court should:

- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market of 2 December 2013 in Case R 1963/2012-1 in so far as it ruled that the use of the earlier mark 'ARTHUR' No 17731 did not comply with the provisions of Article 15(1)(a) of Regulation No 207/2009;
- if the Court, following its case-law (judgment of 4 June 2013, Case T-514/11, 'DECATHLON'), finds that it has no power to rule on the merits of the opposition filed by the company LTJ DIFFUSION on 14 April 2011 since the Board of Appeal has not yet adopted a position, it is also asked the following: to refer the case to the competent formation of the Court for a ruling to be made on the merits of the opposition filed by the company LTJ DIFFUSION on 14 April 2011 against the application for registration of the Community trade mark No 9509911, relating to the word sign 'ARTHUR & ASTON', to designate certain goods in Classes 3, 9, 14 and 25 and specifically 'footwear, boots and shoes'.

Pleas in law and main arguments

Applicant for a Community trade mark: Arthur et Aston SAS

Community trade mark concerned: Word mark 'ARTHUR & ASTON' for goods in Classes 3, 9, 14 and 25 (Community trade mark application No 9 509 911)

Proprietor of the mark or sign cited in the opposition proceedings: Applicant.

Mark or sign cited in opposition: National semi-figurative trade mark containing the word element 'Arthur' for goods in Class 25.

Decision of the Opposition Division: Rejection of the opposition.

Decision of the Board of Appeal: Dismissal of the appeal.

Pleas in law: Infringement of Article 15(1)(a) of Regulation No 207/2009 Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 12 February 2014 — Tecalan v OHIM (TECALAN)

(Case T-100/14)

(2014/C 112/66)

Language in which the application was lodged: German