

- Subordinately, for all goods or services other than 'hotels and hotel reservation' services or;
- Subordinately in relation to services of 'restaurants, cafeterias, public eating places, bars, catering, delivery of drinks and beverages for immediate consumption' or;
- Remit the proceedings to the OHIM so that it may issue that declaration of nullity;
- Order that Mr Arrigo Cipriani's costs for these proceedings be entirely reimbursed.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: The word mark 'CIPRIANI' for goods and services in Classes 16, 35 and 42 — Community trade mark No 115 824

Proprietor of the Community trade mark: Hotel Cipriani

Applicant for the declaration of invalidity of the Community trade mark: The applicant

Grounds for the application for a declaration of invalidity: The trade mark had been registered in bad faith and infringed the right to a renowned personal name 'CIPRIANI'

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

Decision of the Board of Appeal: The appeal was dismissed

Pleas in law:

- Violation of Article 53(2)(a) of Regulation No 207/2009 in relation to article 8.3 of the Italian Code of Industrial Property;
- Violation of Article 52(1)(b) of Regulation No 207/2009.

Action brought on 20 May 2014 — Construlink/OHIM — Wit-Software (GATEWIT)

(Case T-351/14)

(2014/C 261/54)

Language in which the application was lodged: English

Parties

Applicant: Construlink — Tecnologias de Informação, SA (Lisboa, Portugal) (represented by: M. Lopes Rocha, lawyer)

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

Other party to the proceedings before the Board of Appeal: Wit-Software, Consultoria e Software para a Internet Móvel, SA (Coimbra, Portugal)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 6 March 2014 in Case R 1059/2013-1;

- Consider the trade mark application No 10 128 262 GATEWIT fully sustained;
- Order the OHMI and the Opponent to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: Word mark 'GATEWIT' for services in Class 42 — Community trade mark application No 10 128 262

Proprietor of the mark or sign cited in the opposition proceedings: Wit-Software, Consultoria e Software para a Internet Móvel, SA

Mark or sign cited in opposition: The figurative mark containing the word elements 'wit software' for goods and services in Classes 9, 38 and 42 as well as the national registration of the company name 'Wit-Software, Consultoria e Software para a Internet Móvel, SA'

Decision of the Opposition Division: The opposition was rejected

Decision of the Board of Appeal: The decision of the Opposition Division was annulled and the trade mark applied for rejected

Pleas in law:

- Violation of Article 8(1)(b) of Regulation No 207/2009;
- Violation of Article 8(4) of Regulation No 207/2009.

Action brought on 27 May 2014 — REWE-Zentral/OHIM — Vicente Gandia Pla (MY PLANET)

(Case T-362/14)

(2014/C 261/55)

Language in which the application was lodged: English

Parties

Applicant: REWE-Zentral AG (Köln, Germany) (represented by: M. Kinkeldey, S. Brandstätter and A. Wagner, lawyers)

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

Other party to the proceedings before the Board of Appeal: Vicente Gandia Pla, SA (Chiva, Spain)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 6 March 2014 in Case R 201/2013-1;
- Condemn the defendant to the costs of the proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant