

Pleas in law and main arguments

Community trade mark concerned: The word mark 'RACE GTP' for goods in class 12 — Community trade mark application No 11 018 918

Decision of the Examiner: Application rejected

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009 and infringement of Article 7(2) of Regulation No 207/2009

Action brought on 13 July 2014 — *Compagnie générale des établissements Michelin v OHIM — Continental Reifen Deutschland (XKING)*

(Case T-525/14)

(2014/C 303/60)

Language in which the application was lodged: English

Parties

Applicant: Compagnie générale des établissements Michelin (Clermont-Ferrand, France) (represented by: L. Carlini, lawyer)

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

Other party to the proceedings before the Board of Appeal: Continental Reifen Deutschland GmbH (Hannover, 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 5 May 2014 given in Case R 1522/2013-4;
- Order the defendant and the other party to the proceedings, should it intervene, to pay the costs of the 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 'XKING' for goods in Class 12 — Community trade mark application No 10 644 821

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

Mark or sign cited in opposition: Community trademarks Nos 5 293 782 and 5 560 396, national marks and international registrations

Decision of the Opposition Division: Upheld the opposition in its entirety

Decision of the Board of Appeal: Annulled the contested decision and rejected the opposition

Pleas in law: Infringement of Article 8(1)(b) and (5) CTMR
