

Decision of the Examiner: Partially rejected the CTM application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 7(1)(b),(c) and 7(2) CTMR.

Action brought on 8 August 2014 — BSH v OHIM (PerfectRoast)

(Case T-591/14)

(2014/C 351/30)

Language of the case: German

Parties

Applicant: BSH Bosch und Siemens Hausgeräte GmbH (Munich, Germany) (represented by S. Biagosch, 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 Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 16 June 2014 in Case R 359/2014-5;
- order OHIM to bear its own costs and pay the costs incurred by the applicant.

Pleas in law and main arguments

Community trade mark concerned: the word mark ‘PerfectRoast’ for goods in Classes 7 and 11 — Community trade mark registration No 12 173 902

Decision of the Examiner: Rejection of the application for registration

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law:

- Infringement of Article 7(1)(c) of Regulation No 207/2009;
- Infringement of Article 7(1)(c) of Regulation No 207/2009;
- Infringement of Article 75 of Regulation No 207/2009.

Action brought on 14 August 2014 — Fútbol Club Barcelona v OHIM — Kule (KULE)

(Case T-614/14)

(2014/C 351/31)

Language in which the application was lodged: English

Parties

Applicant: Fútbol Club Barcelona (Barcelona, Spain) (represented by: J. Carbonell Callicó, lawyer)

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

Other party to the proceedings before the Board of Appeal: Kule LLC (New York, United States)

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 18 June 2014 given in Case R 2375/2013-4.

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 word mark 'KULE' for goods in Classes 14, 18 and 25 — Community trade mark application No 9 917 097

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

Mark or sign cited in opposition: Spanish trademarks and well-known trade mark for the word 'CULE'

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

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 42(2) and (3) CTMR.

Action brought on 18 August 2014 — Grupo Bimbo v OHIM (Shape of a Mexican taco)
(Case T-618/14)
(2014/C 351/32)

Language of the case: Spanish

Parties

Applicants: Grupo Bimbo, SAB de CV (Mexico City, 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 Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 3 June 2010 in Case R 2449/2013-2 on the grounds of illegality and failure to observe the applicable legislative provisions relating to the Community trade mark, give judgment in accordance with the form of order sought set out in this application to the effect that the three-dimensional mark applied for is sufficiently inherently distinctive, grant this application and order that the three-dimensional Community trade mark application No 11 748 051 be entered into the register of trade marks in Class 30 of the International Classification as it is consistent with the requirements of Community trade mark law;
- once this action has been allowed and the aforementioned mark entered into the register, order the person opposing the claim to pay the costs of these proceedings and to order OHIM to repay the appeal fee.

Pleas in law and main arguments

Community trade mark concerned: Three-dimensional mark in the shape of a Mexican taco for goods in Class 30 — Community trade mark application No 11 748 051