

2. Second plea in law, alleging that that the defendant breached essential procedural requirements and safeguards put in place to ensure that the procedural rules, requiring opposing companies to reply within due time and also to prevent misleading and inaccurate information being provided in objections to the continuation of autonomous duty suspension, are properly applied and implemented.

⁽¹⁾ Council Regulation (EU) No 1387/2013 of 17 December 2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products and repealing Regulation (EU) No 1344/2011 (OJ 2013 L 354, p. 201)

Action brought on 21 March 2014 — Cristiano di Thiene v OHIM — Nautica Apparel (AERONAUTICA)

(Case T-193/14)

(2014/C 151/41)

Language in which the application was lodged: English

Parties

Applicant: Cristiano di Thiene SpA (Thiene, Italy) (represented by: F. Fischetti and F. Celluprica, lawyers)

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

Other party to the proceedings before the Board of Appeal: Nautica Apparel, Inc. (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 10 January 2014 given in Case R 96/2013-4.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'AERONAUTICA' for goods in services in Classes 9, 18, 20, 25, 35, 42 and 43 — Community trade mark application No 7 508 237

Proprietor of the mark or sign cited in the opposition proceedings: The other party to the proceedings before the Board of Appeal

Mark or sign cited in opposition: Several earlier Community and UK trade mark registrations of the word marks 'NAUTICA' and 'NAUTICA BLUE' for goods and services in Classes 8, 9, 18, 20, 25, 27 and 35

Decision of the Opposition Division: Partially upheld the opposition

Decision of the Board of Appeal: Dismissed the appeal

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