

- The applicants claim that TenderNed's activities are of an economic character and do not belong to the state prerogative because those services do not emanate from obligations provided by the EU procurement Directives, because TenderNed does not act in the capacity of a public authority, because the activities of TenderNed are not necessary to ensure compliance with the EU procurement Directives, because ensuring compliance with the obligations of the EU Procurement Directives can be achieved by other means and because the Dutch procurement law allows commercial initiatives on the market of e-procurement.

---

**Action brought on 1 April 2015 — LG Developpement v OHIM — Bayerische Motoren Werke (MINICARGO)**

**(Case T-160/15)**

(2015/C 198/54)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* LG Developpement (Baud, France) (represented by: A. Sion, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Bayerische Motoren Werke AG (München, Germany)

**Details of the proceedings before OHIM**

*Applicant:* Applicant

*Trade mark at issue:* Community figurative mark containing the word element 'MINICARGO' — Application for registration No 11 278 751

*Procedure before OHIM:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of OHIM of 23 January 2015 in Case R 596/2014-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs.

**Plea in law**

- Infringement of Article 8(1)(b) of the Regulation No 207/2009.

---

**Action brought on 2 April 2015 — Gramberg v OHIM — Mahdavi Sabet (Protective case for a mobile telephone)**

**(Case T-166/15)**

(2015/C 198/55)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Claus Gramberg (Essen, Germany) (represented by: S. Kettler, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Sorouch Mahdavi Sabet (Paris, France)

### **Details of the proceedings before OHIM**

*Proprietor of the design at issue:* The other party to the proceedings before the Board of Appeal

*Design at issue:* Community design No 1 968 496-0002

*Contested decision:* Decision of the Third Board of Appeal of OHIM of 13 January 2015 in Case R 460/2013-3

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision and declare Community design No 1 968 496-0002 invalid;
- in the alternative,
- annul the contested decision and remit the case to the Board of Appeal for a new decision on the invalidity of Community design No 1 968 496-0002;
- order OHIM to pay the costs.

### **Pleas in law**

- Infringement of 5(1)(b) Regulation No 6/2002;
- Infringement of Article 7(1) of Regulation No 6/2002.

---

## **Action brought on 9 April 2015 — Grandel v OHIM — The Colomer Group Spain (Beautygen)**

**(Case T-177/15)**

(2015/C 198/56)

*Language in which the application was lodged: German*

### **Parties**

*Applicant:* Dr. Grandel GmbH (Augsburg, Germany) (represented by: U. Dollinger, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* The Colomer Group Spain, SL (Cornellá de Llobregat (Barcelona), Spain)

### **Details of the proceedings before OHIM**

*Applicant:* Applicant

*Trade mark at issue:* Community word mark 'Beautygen' — Application No 11 623 105

*Procedure before OHIM:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of OHIM of 9 February 2015 in Case R 1430/2014-4