

**Action brought on 26 January 2016 — Enercon v EUIPO — Gamesa Eólica (Shades of green)****(Case T-36/16)**

(2016/C 111/37)

*Language in which the application was lodged: English***Parties***Applicant:* Enercon GmbH (Aurich, Germany) (represented by: S. Overhage, Lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Gamesa Eólica, SL (Sarriguren, Spain)**Details of the proceedings before EUIPO***Proprietor of the trade mark at issue:* Applicant*Trade mark at issue:* EU colour mark consisting of different shades of green. EU trade mark No 2 346 542.*Procedure before EUIPO:* Proceedings for a declaration of invalidity*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 28 October 2015 in Case R 597/2015-2**Form of order sought**

The applicant claims that the Court should:

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

**Plea in law**

- Infringement of Article 7(1)(b) Regulation No 207/2009.

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**Action brought on 26 January 2016 — Novartis v EUIPO — SK Chemicals (Representation of a patch)****(Case T-44/16)**

(2016/C 111/38)

*Language in which the application was lodged: English***Parties***Applicant:* Novartis AG (Basel, Suisse) (represented by: M. Douglas, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* SK Chemicals GmbH (Eschborn, Germany)**Details of the proceedings before EUIPO***Proprietor of the trade mark at issue:* Applicant*Trade mark at issue:* EU figurative mark (Representation of a patch) — EU trade mark registration No 11 293 362

*Procedure before EUIPO: Cancellation proceedings*

*Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 27 November 2015 in Case R 2342/2014-5*

### **Form of order sought**

The applicant claims that the Court should:

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

### **Pleas in law**

- Infringement of Article 7(1)(e)(ii) of Regulation No 207/2009;
- Infringement of Article 80(2) of Regulation No 207/2009;
- Infringement of the principle of fair trial by the Board of Appeal of EUIPO.

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**Action brought on 1 February 2016 — Alfonso Egüed v EUIPO — Jackson Family Farms (BYRON)**

**(Case T-45/16)**

(2016/C 111/39)

*Language in which the application was lodged: English*

### **Parties**

*Applicant:* Nelson Alfonso Egüed (Madrid, Spain) (represented by: N. Fernández Fernández-Pacheco, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Jackson Family Farms LLC (Santa Rosa, United States)

### **Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* EU figurative mark containing the word element 'BYRON' — Application for registration No 10 581 619

*Procedure before EUIPO:* Opposition proceedings/Proceedings for a declaration of invalidity

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 16 November 2015 in Case R 822/2015-2

### **Form of order sought**

The applicant claims that the Court should:

- set aside the contested decision;
- grant the application for registration of the EU trademark No 10581619 'BYRON' for all goods covered in classes 18, 25 and 33 (being the latter the contested class in the present proceedings);
- order the intervener to bear the costs of the procedure.