Pleas in law

— Infringement of Article 8(1)(b) of Regulation No 207/2009;

— Infringement of Article 8(5) of Regulation No 207/2009.

Action brought on 22 July 2016 — Berliner Stadtwerke v EUIPO (berlinGas)

(Case T-402/16)

(2016/C 335/67)

Language of the case: German

Parties

Applicant: Berliner Stadtwerke GmbH (Berlin, Germany) (represented by: O. Spieker, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the procedure before EUIPO

Mark at issue: EU word mark 'berlinGas' — application No 14 067 714

Contested decision: Decision of the First Board of Appeal of EUIPO of 12 May 2016 in Case R 291/2016-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to bear the costs of the proceedings.

Plea in law

— Infringement of Article 7(1)(b) and (c), in conjunction with Article 7(2), of Regulation No 207/2009.

Action brought on 28 July 2016 — Stada Arzneimittel v EUIPO — Vivatech (Immunostad)

(Case T-403/16)

(2016/C 335/68)

Language in which the application was lodged: German

Parties

Applicant: Stada Arzneimittel AG (Bad Vilbel, Germany) (represented by: R. Kaase and J. Plate, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Vivatech (Paris, France)

Details of the procedure before EUIPO

Proprietor of the mark at issue: the applicant

Mark at issue: EU word mark 'Immunostad' — EU trade mark No 9 552 225

Proceedings before EUIPO: invalidity proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 19 April 2016 in Case R 863/2015–5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to bear the costs, including the costs of the appeal.

Pleas in law

— Infringement of Article 8(1)(b) of Regulation No 207/2009;

— Infringement of Article 75 of Regulation No 207/2009.