

**Plea in law**

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

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**Action brought on 15 May 2017 — VSM v EUIPO (WE KNOW ABRASIVES)****(Case T-297/17)**

(2017/C 231/53)

*Language of the case: German***Parties**

*Applicant:* VSM . Vereinigte Schmirgel- und Maschinen-Fabriken AG (Hanover, Germany) (represented by: M. Horak, lawyer)

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

**Details of the proceedings before EUIPO**

*Trade mark at issue:* EU word mark 'WE KNOW ABRASIVES' — Application for registration No 15 063 522

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 6 March 2017 in Case R 1595/2016-4

**Form of order sought**

The applicant claims that the Court should:

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

**Pleas in law**

- Breach of Article 7(1)(b), in conjunction with Article 7(2), of Regulation No 207/2009;
- Breach of Article 63(1), in conjunction with Articles 58 and 59, of Regulation No 207/2009, breach of Article 63(2) of Regulation No 207/2009, and thus infringement of the principle of *audi alteram partem*.

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**Action brought on 16 May 2017 — Sata v EUIPO — Zhejiang Rongpeng Air Tools (1000)****(Case T-299/17)**

(2017/C 231/54)

*Language in which the application was lodged: German***Parties**

*Applicant:* Sata GmbH & Co. KG (Kornwestheim, Germany) (represented by: M.-C. Simon, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Zhejiang Rongpeng Air Tools Co. Ltd (Pengjie Town, China)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* The sign '1000' — EU trade mark No 12 333 531

*Procedure before EUIPO: Invalidity proceedings*

*Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 6 March 2017 in Case R 650/2016-4*

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs;
- in the event that the respondent before the Board of Appeal decides to intervene in the proceedings, order that intervener to pay the costs.

### **Pleas in law**

- Infringement of Article 75 of Regulation No 207/2009;
- Infringement of Article 7(1)(c) of Regulation No 207/2009;
- Infringement of Article 7(1)(b) of Regulation No 207/2009;
- Infringement of the principle of equal treatment and the principle of sound administration.

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**Action brought on 17 May 2017 — Sata v EUIPO — Zhejiang Rongpeng Air Tools (3000)**

**(Case T-300/17)**

(2017/C 231/55)

*Language in which the application was lodged: German*

### **Parties**

*Applicant: Sata GmbH & Co. KG (Kornwestheim, Germany) (represented by: M.-C. Simon, lawyer)*

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

*Other party to the proceedings before the Board of Appeal: Zhejiang Rongpeng Air Tools Co. Ltd (Pengjie Town, China)*

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

*Proprietor of the trade mark at issue: Applicant*

*Trade mark at issue: The sign ‘3000’ — EU trade mark No 12 511 119*

*Procedure before EUIPO: Invalidity proceedings*

*Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 8 March 2017 in Case R 653/2016-4*

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs;
- in the event that the respondent before the Board of Appeal decides to intervene in the proceedings, order that intervener to pay the costs.

### **Pleas in law**

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