

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

*Other party to the proceedings before the Board of Appeal:* Brigade Electronics Group plc (Kent, United Kingdom)

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

*Applicant of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* Application for European Union word mark CORNEREYE — Application for registration No 15 175 284

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 24 July 2018 in Case R 1966/2017-1

### **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 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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## **Action brought on 21 November 2018 — Executive Selling v EUIPO (EXECUTIVE SELLING)**

**(Case T-689/18)**

(2019/C 25/78)

*Language of the case: French*

### **Parties**

*Applicant:* Executive Selling (Paris, France) (represented by: V. Bouchara and A. Maier, lawyers)

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

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

*Trade mark at issue:* International registration designating the European Union in respect of the figurative sign EXECUTIVE SELLING — Application for registration No 1 343 783

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 14 September 2018 in Case R 313/2018-1

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;

— order EUIPO to pay the costs.

#### **Plea in law**

— The mark applied for taken as a whole is not descriptive of a characteristic of the services concerned. The analysis adopted by EUIPO is contrary to the terms of the applicable provisions and case-law and the registered sign is perfectly distinctive and therefore capable of fulfilling the essential function of a trademark.

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### **Action brought on 26 November 2018 — Werner v EUIPO — Merck (fLORAMED)**

**(Case T-695/18)**

(2019/C 25/79)

*Language in which the application was lodged: German*

#### **Parties**

*Applicant:* Stefan Werner (Baldham, Germany) (represented by: T. Büttner, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Merck KGaA (Darmstadt, Germany)

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

*Applicant for the trade mark at issue:* Applicant

*Trade mark at issue:* European Union figurative mark 'fLORAMED' — Registration No 15 336 639

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 17 September 2018 in Case R 197/2018-2

#### **Form of order sought**

The applicant claims that the Court should:

— annul the contested decision, as well as the decision of the Opposition Division of 24 November 2017, to reject the application for a trade mark in respect of all the goods claimed, which upheld the opposition brought by the opposing party on 7 October 2016.

#### **Plea in law**

— Infringement of Article 8(1)(b) of Regulation (EU) No 2017/1001 of the European Parliament and of the Council.

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### **Action brought on 26 November 2018 — Aldi v EUIPO — Titlbach (ALTISPORT)**

**(Case T-697/18)**

(2019/C 25/80)

*Language in which the application was lodged: German*

#### **Parties**

*Applicant:* Aldi GmbH & Co. KG (Mülheim an der Ruhr, Germany) (represented by: N. Lützenrath, U. Rademacher, C. Fürsen and M. Minkner, lawyers)