

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community word mark 'FITNESS' — Community trade mark No 2 470 326

Procedure before OHIM: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 19 June 2015 in Case R 2542/2013-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and remit the case to the Office in order to issue a decision in compliance with the Court's ruling;
- as a subsidiary, alter the contested decision and cancel CTM Fitness no 2470326;
- order OHIM to pay the costs generated by the current proceedings.

Pleas in law

- Infringement of rule 37(b)(vi), rule 50(1) of Regulation No 2868/95 and Article 76 of Regulation No 207/2009;
- Infringement of Article 7(1)(b) and Article 52(1)(a) of Regulation No 207/2009;
- Infringement of Article 7(1)(c) and Article 52(1)(a) of Regulation No 207/2009.

Action brought on 20 August 2015 — Lotte v OHIM — Kuchenmeister (KOALA LAND)

(Case T-479/15)

(2015/C 337/43)

Language in which the application was lodged: German

Parties

Applicant: Lotte Co. Ltd (Tokyo, Japan) (represented by: M. Knitter and S. Schicker, lawyers)

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

Other party to the proceedings before the Board of Appeal: Kuchenmeister GmbH (Soest, Germany)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community word mark 'KOALA LAND' — Application for registration No 10 766 723

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 4 June 2015 in Case R 815/2014-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision, notified to the applicant on 23 June 2015, concerning the application for registration of Community trademark No 10 766 723 'KOALA LAND';
- order OHIM to pay the costs of the present proceedings.

Pleas in law

- Infringement of Article 42(2) and (3) of Regulation No 207/2009;
- Infringement of Article 15(1)(a) of Regulation No 207/2009;
- Infringement of Rule 22(3) of Regulation No 2868/95;
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 19 August 2015 — KZ and Others v Commission

(Case T-480/15)

(2015/C 337/44)

Language of the case: Polish

Parties

Applicants: KZ (Poland), LA (Poland), LB (Austria), LC (Austria) (represented by: S. Dudzik, legal adviser, and J. Budzik, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul European Commission Decision C(2015) 4284 final of 19 June 2015 in Case AT.39864 — BASF, rejecting the applicants' complaint on the basis of Article 7(2) of Regulation No 772/2004 ⁽¹⁾;
- order the Commission to pay the costs of the proceedings.