

- Infringement of Article 13(1)(b) of Regulation No. 1151/2012;
- Infringement of Article 15 of TRIPS Agreement.

Action brought on 4 September 2015 — Sun Cali v OHIM — Abercrombie & Fitch Europe (SUN CALI)

(Case T-512/15)

(2015/C 354/57)

Language in which the application was lodged: English

Parties

Applicant: Sun Cali, Inc. (Denver, United States) (represented by: C. Thomas, lawyer)

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

Other party to the proceedings before the Board of Appeal: Abercrombie & Fitch Europe SA (Mendrisio, Switzerland)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community figurative mark containing the word elements 'SUN CALI' — Community trade mark No 5 482 369

Procedure before OHIM: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 3 June 2015 in Cases R 1260/2014-5 and R 1281/2014-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs incurred in the proceedings before the Court and order the (potential) intervener to pay the costs of the administrative proceedings before the Board of Appeal;
- set a date for an oral hearing for the case that findings of the General Court are not possible without an oral hearing.

Pleas in law

- Infringement of Article 92(3) of Regulation No 207/2009 in Case T-1260/2014-5;
 - Infringement of Article 8(1)(b) of Regulation No 207/2009 in case T-1281/2014-5.
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