

2. Second plea in law, alleging infringement of the right of defence:

- according to the applicant, the contested decision infringes the right of defence of Hungary, as the Commission did not take into account material matters of law and of fact which Hungary brought to its attention prior to the contested decision;
- furthermore, so the applicant claims, had it not been for this irregularity, the outcome of the procedure had been different and therefore, the infringement of the right of defence has to lead to the annulment of the contested decision.

Action brought on 18 September 2015 — Lysoform Dr. Hans Rosemann e.a. v ECHA

(Case T-543/15)

(2015/C 406/36)

Language of the case: English

Parties

Applicants: Lysoform Dr. Hans Rosemann GmbH (Berlin, Germany), Ecolab Deutschland GmbH (Monheim), Schülke & Mayr GmbH (Norderstedt), Diversey Europe Operations BV (Amsterdam, Netherlands) (represented by: K. Van Maldegem and M. Grunchar, lawyers)

Defendants: European Chemicals Agency (ECHA)

Form of order sought

The applicants claim that the Court should:

- declare the appeal admissible and well-founded;
- annul the decision of the European Chemicals Agency concerning the inclusion of the company Oxea, based in Germany, as active substance supplier on the list provided by Article 95(1) of Regulation (EU) No 528/2012 of the European Parliament and the Council of 22 May 2012 concerning the making available on the market and use of biocidal products;
- order ECHA to pay the costs of these proceedings; and
- in light of the pending appeal before ECHA's Appeal Board, stay proceedings in terms of Article 69, and in particular Article 69(d) of the Court's Rules of Procedure, until such time as ECHA's Appeal Board has decided on the admissibility of the Appeal before it.

Pleas in law and main arguments

The applicants submit that, by allowing a company to be included on list provided by Article 95 of Regulation (EU) No 528/2012 in respect of a given substance, ECHA has failed to apply the law. Its failures in that regard are founded on the three following pleas in law:

1. First plea in law, alleging that ECHA has misapplied the rules regarding the requirement that the company submit a complete dossier under Article 95 of Regulation (EU) No 528/2012.

2. Second plea in law, alleging an infringement of the principle of non-discrimination in that ECHA has treated companies which were in the same situation differently.
3. Third plea in law, alleging an infringement of Articles 62, 63 and 95 of Regulation (EU) No 528/2012 in that contrary to the requirements of this Regulation, ECHA has failed to ensure that there is a level playing field between those companies that have participated in the review programme of the give substance and those that have been free-riders.

Action brought on 29 September 2015 — Bimbo v OHIM — ISMS (BIMBO BEL SIMPLY MARKET)

(Case T-571/15)

(2015/C 406/37)

Language in which the application was lodged: English

Parties

Applicant: Bimbo, SA (Barcelona, Spain) (represented by: J. Carbonell Callicó, lawyer)

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

Other party to the proceedings before the Board of Appeal: International Supermarket Stores (ISMS) SA (Croix, France)

Details of the proceedings before OHIM

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community figurative mark containing the word elements 'BIMBO BEL SIMPLY MARKET' — Application for registration No 10 335 321

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 17 July 2015 in Case R 1297/2014-4

Form of order sought

The applicant claims that the Court should:

- modify the decision of the Board of Appeal dated on 17 July 2015 in accordance with Article 65(3) CTMR, rejecting the CTM Application No 10 335 321 in its entirety;
- subsidiarity and only in the case the above claim would be rejected, the annulment of the Board of Appeal decision, dated 17 July 2015;
- order the defendants to pay the procedural costs.

Pleas in law

- Infringement of Articles 8(1)(b), 8(5), 42(2)(3), and 76(2) of Regulation No 207/2009.
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