

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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