

*Other parties to the proceedings before the Board of Appeal:* Pedro Nuñez Martín (Madrid, Spain) and Carmen Guillermina Machado Montesinos (Madrid, Spain)

### **Details of the proceedings before OHIM**

*Applicant for the contested mark:* Applicant

*Trade mark at issue:* Community figurative mark containing the word element 'AFRODITA COSMETICS' — Registration No 11 798 287

*Procedure before OHIM:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of OHIM of 28 July 2015 in Case R 2578/2014-4.

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs.

### **Pleas in law**

- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Rule 50(2)(h) of Regulation No 2868/95.

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### **Action brought on 1 October 2015 — Uribe-Etxebarria Jiménez v OHIM — Núcleo de comunicaciones y control (SHERPA)**

(Case T-577/15)

(2015/C 406/40)

*Language in which the application was lodged:* Spanish

### **Parties**

*Applicant:* Xabier Uribe-Etxebarria Jiménez (Erandio, Spain) (represented by: Esteve Sanz, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Núcleo de comunicaciones y control, SL (Tres Cantos (Madrid), Spain)

### **Details of the proceedings before OHIM**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* Community word mark 'SHERPA'— Community trade mark No 10 000 339

*Procedure before OHIM:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the Second Board of Appeal of OHIM of 17 July 2015 in Case R 1135/2014-2

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision.
- order OHIM and, where appropriate, the intervener to pay the costs.

### **Pleas in law**

- Infringement of Articles 63(1), 64(1) and 76(1) of Regulation No 207/2009.
- Infringement of Article 42(2) and (3) of Regulation No 207/2009 and of Rule 22 of Regulation No 2868/95.
- Infringement of Article 8(1)(a) and (b) of Regulation No 207/2009.

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### **Action brought on 7 October 2015 — POA/Commission**

**(Case T-584/15)**

(2015/C 406/41)

*Language of the case: English*

### **Parties**

*Applicant:* Pagkyprios organismos ageladotrofon Dimosia Ltd (POA) (Latsia, Cyprus) (represented by: N. Korogiannakis, lawyer)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Commission to accept the dossier CY/PDO/0005/01243 lodged by the authorities of the Republic of Cyprus as meeting the conditions laid down by Regulation (EU) No 1151/2012 of the European Parliament and of the Council, of 21 November 2012, on quality schemes for agricultural products and foodstuffs (OJ 2012 L 343, p. 1), as provided by Article 50 (1) of this regulation, and to proceed to its publication in the Official Journal of the European Union with reference 2015/C 246/12;
- order the Commission to pay the costs of the applicant.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on two pleas in law.