

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission infringed the second sub-paragraph of Article 2(7)(a) of Council Regulation (EU) No 1225/2009 ⁽¹⁾ (the 'Basic Regulation') by identifying and selecting the United States of America ('US') as the appropriate analogue country in this case. This selection was based on an erroneous interpretation and application of the second sub-paragraph of Article 2(7)(a) of the Basic Regulation as well as on manifest errors of appraisal of the facts. Alternatively, the Commission manifestly misapplied Article 2(7)(a) of the Basic Regulation by failing to make certain required adjustments to normal value despite selecting the US as the analogue country.
2. Second plea in law, alleging that the Commission infringed Article 2(10) of the Basic Regulation by failing to make the required adjustment for internal transport costs of a US exporting producer pursuant to section (k) of this provision.
3. Third plea in law, alleging that Commission infringed Articles 3(2), 3(6) and 3(7) of the Basic Regulation. The Commission's analysis of certain injury factors and of causation is vitiated by manifest errors of appraisal of the facts and/or is not in line with the Commission's duty to examine data with care and impartiality.

⁽¹⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ 2009 L 343, p. 51).

Action brought on 20 November 2015 — Les Éclaires v OHIM — L'éclaireur International (L'ECLAIREUR)

(Case T-680/15)

(2016/C 038/89)

Language in which the application was lodged: English

Parties

Applicant: Les Éclaires GmbH (Nürnberg, Germany) (represented by: S. Bund, lawyer)

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

Other party to the proceedings before the Board of Appeal: L'éclaireur International (Luxembourg, Luxembourg)

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 'L'ECLAIREUR' — Community trade mark No 3 494 028

Procedure before OHIM: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of OHIM of 3 September 2015 in Case R 2266/2014-1

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Infringement of Article 15(1) Regulation No 207/2009;

- Infringement of Article 51(1)(a) Regulation No 207/2009;
- Discordance with the Guidelines for Examination of the OHIM Part C Section 6.

Action brought on 20 November 2015 — Environmental Manufacturing v OHIM — Société Elmar Wolf (Representation of a wolf's head)

(Case T-681/15)

(2016/C 038/90)

Language in which the application was lodged: English

Parties

Applicant: Environmental Manufacturing LLP (Stowmarket, United Kingdom) (represented by: S. Malynicz, Barrister)

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

Other party to the proceedings before the Board of Appeal: Société Elmar Wolf SA (Wissembourg, France)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community figurative mark (Representation of a wolf's head) — Community trade mark application No 4 971 511

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 3 September 2015 in Case R 1252/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM and other party to pay their own costs and pay those of the applicant.

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 26 November 2015 — Sulayr Global Service v OHIM — Sulayr Calidad (sulayr GLOBAL SERVICE)

(Case T-685/15)

(2016/C 038/91)

Language in which the application was lodged: Spanish

Parties

Applicant: Sulayr Global Service, SL (Valle del Zalabi, Spain) (represented by: P. López Ronda, G. Macías Bonilla, G. Marín Raigal, and E. Armero Lavie, lawyers)

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