

Plea in law

- wrong application of Article 7(1)(b) Regulation No 207/2009.

Action brought on 23 November 2015 — Novartis v OHIM (Representation of a crescent in green and white)**(Case T-679/15)**

(2016/C 090/27)

*Language of the case: English***Parties***Applicant:* Novartis AG (Basel, Switzerland) (represented by: M. Zintler, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)**Details of the proceedings before OHIM***Trade mark at issue:* Community figurative mark (Representation of a crescent in green and white) — Application for registration No 13 189 139*Contested decision:* Decision of the Fifth Board of Appeal of OHIM of 23 September 2015 in Case R 78/2015-5**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- declare that Article 7(1)(b) of Regulation No 207/2009 does not preclude the sign at issue (Community trade mark No 13 189 139) in respect of the goods in Class 5 described in the application for registration;
- order the defendant to pay the costs.

Plea(s) in law

- Infringement of Article 7(1)(b) of Regulation No 207/2009.

Action brought on 17 December 2015 — Aldi v OHIM — Sky (SKYLITE)**(Case T-736/15)**

(2016/C 090/28)

*Language in which the application was lodged: German***Parties***Applicant:* Aldi GmbH & Co. KG (Mülheim an der Ruhr, Germany) (represented by: N. Lützenrath, U. Rademacher, C. Fürsen and N. Bertram, lawyers)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*Other party to the proceedings before the Board of Appeal:* Sky plc (Isleworth, United Kingdom)