

- annul the decision of the Opposition Division dated 17/06/2014 in opposition proceedings No B 001988727 with respect to the services for which the opposition has been upheld;
- refer the case back to OHIM so it can amend the decision on the substance of the case and register Community Trade Mark No 010359222 in respect of all the services covered, without prejudice to those which are uncontested;
- charge the OHIM with the costs of the proceedings before the Opposition Division, Board of Appeal and General Court.

Plea in law

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

Action brought on 8 January 2016 — La tarte tropézienne v OHIM (LA TARTE TROPÉZIENNE 1955. SAINT-TROPEZ)

(Case T-7/16)

(2016/C 090/30)

Language of the case: French

Parties

Applicant: La tarte tropézienne (Cogolin, France) (represented by: T. Cuche, lawyer)

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

Details of the proceedings before OHIM

Trade mark at issue: International registration designating the European Union in respect of the Community figurative mark containing the word elements 'LA TARTE TROPÉZIENNE 1955. SAINT-TROPEZ' — Application for registration No 1 212 405

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 26 October 2015 in Case R 720/2015-4

Form of order sought

The applicant claims that the Court should:

- Hold and rule that the present action is admissible;
- Find that international registration No 1.212.405 is validly protected in the European Union in respect of the following goods: 'flour and preparations made from cereals; sugar; honey; treacle; yeast; baking powder; spices; dough for cakes; cakes; frozen cakes; pancakes';
- In consequence, annul in part the decision of the Fourth Board of Appeal of OHIM of 26 October 2016 in so far as it refused protection in the European Union of international registration No 1.212.405 in respect of the following goods: 'flour and preparations made from cereals; sugar; honey; treacle; yeast; baking powder; spices; dough for cakes; cakes; frozen cakes; pancakes';
- Order OHIM to pay the costs.

Plea in law

— Infringement of Article 7(1)(b) and (c) and (2) of Regulation No 207/2009.

Action brought on 15 January 2016 — Gauff v OHIM — H.P. Gauff Ingenieure (GAUFF)**(Case T-13/16)**

(2016/C 090/31)

*Language in which the application was lodged: German***Parties**

Applicant: Gauff GmbH & Co. Engineering KG (Nuremberg, Germany) (represented by: A. Molnar)

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

Other party to the proceedings before the Board of Appeal: H.P. Gauff Ingenieure GmbH & Co. KG — JBG (Frankfurt am Main, Germany)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community figurative mark containing the word element 'Gauff' — Community mark No 6 327 977

Procedure before OHIM: Invalidity proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 12 November 2015 in Case R 549/2015-1

Form of order

The applicant claims that the Court should:

— annul the contested decision; or

in the alternative, send the case back to OHIM for further examination of the disputed matters that were, in error, not examined;

— order OHIM to pay the costs of the proceedings including those incurred in the proceedings before the Board of Appeal.

Plea in law

— Infringement of Articles 53, 56, 57, 76 of Regulation No 207/2009 and infringement of Regulation No 2868/95 as well as infringement of the right to be heard and failure to state reasons.

Action brought on 8 January 2016 — Apimab Laboratoires and Others v Commission**(Case T-14/16)**

(2016/C 090/32)

*Language of the case: French***Parties**

Applicants: Apimab Laboratoires (Clermont-l'Hérault, France), Sarl BBI — Blanche Bresson Institut (Barbentane, France), Institut de recherche biologique — IRB (Montaigu, France), Laboratoires Arkopharma (Carros, France), Laboratoires Juva Santé (Paris, France), Ortis (Bütgenbach, Belgium), Pierre Fabre Médicament (Boulogne-Billancourt, France), Pollenergie (Saint-Hilaire-de-Lusignan, France) (represented by: A. de Brosses, lawyer)