

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 27 November 2015 in Case R 2342/2014-5

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Infringement of Article 7(1)(e)(ii) of Regulation No 207/2009;
- Infringement of Article 80(2) of Regulation No 207/2009;
- Infringement of the principle of fair trial by the Board of Appeal of EUIPO.

Action brought on 1 February 2016 — Alfonso Egüed v EUIPO — Jackson Family Farms (BYRON)

(Case T-45/16)

(2016/C 111/39)

Language in which the application was lodged: English

Parties

Applicant: Nelson Alfonso Egüed (Madrid, Spain) (represented by: N. Fernández Fernández-Pacheco, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Jackson Family Farms LLC (Santa Rosa, United States)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark containing the word element 'BYRON' — Application for registration No 10 581 619

Procedure before EUIPO: Opposition proceedings/Proceedings for a declaration of invalidity

Contested decision: Decision of the Second Board of Appeal of EUIPO of 16 November 2015 in Case R 822/2015-2

Form of order sought

The applicant claims that the Court should:

- set aside the contested decision;
- grant the application for registration of the EU trademark No 10581619 'BYRON' for all goods covered in classes 18, 25 and 33 (being the latter the contested class in the present proceedings);
- order the intervener to bear the costs of the procedure.

Plea in law

— Infringement of Article 8(4) of Regulation No 207/2009 with respect to the common law tort of passing off.

Action brought on 3 February 2016 — Crédit Mutuel Arkéa v ECB**(Case T-52/16)**

(2016/C 111/40)

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

Applicant: Crédit Mutuel Arkéa (Le Relecq Kerhuon, France) (represented by: H. Savoie, lawyer)

Defendant: European Central Bank (ECB)

Form of order sought

The applicant claims that the Court should:

— annul the European Central Bank decision of 4 December 2015 (ECB/SSM/2015 — 9695000CG7B84NLR5984/40) setting out the prudential requirements for Groupe Crédit Mutuel.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law which are essentially identical or similar to those relied on in Case T-712/15, *Crédit Mutuel Arkéa v ECB*.

Action brought on 5 February 2016 — Netguru v EUIPO (NETGURU)**(Case T-54/16)**

(2016/C 111/41)

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

Applicant: Netguru sp. z o.o. (Poznań, Poland) (represented by: K. Jarosiński, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: European Union word mark 'NETGURU' — Application for registration No 12 994 166

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 18 December 2015 in Case R 144/2015-5

Form of order sought

The applicant claims that the Court should:

— set aside in its entirety the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office of 18 December 2015 in Case R 144/2015-5;

— order EUIPO to pay the costs, including the costs of the proceedings before the Board of Appeal.