

**Action brought on 7 December 2016 — Damm v EUIPO — Schlossbrauerei Au-Hallertau Willibald Beck Freiherr von Peccoz (EISKELLER)**

**(Case T-859/16)**

(2017/C 038/60)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Sociedad Anónima Damm (Barcelona, Spain) (represented by: P. González-Bueno Catalán de Ocón, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Schlossbrauerei Au-Hallertau Willibald Beck Freiherr von Peccoz GmbH & Co. KG (Au-Hallertau, Germany)

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Other party to the proceedings before the Board of Appeal

*Trade mark at issue:* figurative mark containing the word element 'EISKELLER' –EU trade mark application No 12 204 426

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 5 September 2016 in Case R 2428/2015-5

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and Schlossbrauerei Au-Hallertau Willibald Beck Freiherr von Peccoz GmbH & Co. KG to pay the costs of the proceedings.

**Plea in law**

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

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**Action brought on 6 December 2016 — Wirecard v EUIPO (mycard2go)**

**(Case T-860/16)**

(2017/C 038/61)

*Language of the case: German*

**Parties**

*Applicant:* Wirecard AG (Aschheim, Germany) (represented by: A. Bayer, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

**Details of the proceedings before EUIPO**

*Trade mark at issue:* European Union figurative mark containing the word element 'mycard2go'– Application for registration No 14 303 465

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 3 October 2016 in Case R 281/2016-4