

**Action brought on 24 January 2017 — No Limits v EUIPO — Morellato (NO LIMITS)****(Case T-43/17)**

(2017/C 095/26)

*Language in which the application was lodged: Italian***Parties***Applicant:* No Limits International Investments SA (Bissone, Switzerland) (represented by: F. Canu, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Morellato SpA (Fratte di Santa Giustina in Colle, Italy)**Details of the proceedings before EUIPO***Proprietor of the trade mark at issue:* Applicant*Trade mark at issue:* European Union word mark 'NO LIMITS' — European Union trade mark No 67 967*Procedure before EUIPO:* Proceedings for a declaration of invalidity*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 21 November 2016 in Case R 2007/2015-5**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the intervener to pay the costs of the proceedings in Case R 2007/2015-5 before the Board of Appeal, of the proceedings in Case 2919C before the Cancellation Division, and of the proceedings before the General Court of the European Union.

**Pleas in law**

- Infringement and/or misapplication of Article 53(1) of Regulation No 207/2009 — error in the contested decision regarding the relevant date for the assessment of the invalidity of the EU trade mark;
- Infringement and/or misapplication of Article 53 of Regulation No 207/2009 — absent, insufficient and contradictory reasoning with regard to the applicability to the EU trade mark of the findings made by the Corte d'Appello di Milano (Milan Court of Appeal, Italy) in judgment No 4425/2013, which has become final;
- Absent, insufficient and contradictory reasoning with regard to the application of Article 54(2) of Regulation No 207/2009 to the EU trade mark;
- Infringement and/or misapplication of Article 53 of Regulation No 207/2009 — erroneous and contradictory reasoning.

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**Action brought on 23 January 2017 — Camomilla v EUIPO — CMT (CAMOMILLA)****(Case T-44/17)**

(2017/C 095/27)

*Language in which the application was lodged: Italian***Parties***Applicant:* Camomilla Srl (Buccinasco, Italy) (represented by: M. Mussi and H. Chiappetta, lawyers)