

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Wallapop, SL (Barcelona, Spain)

Details of the proceedings before EUIPO

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: European Union figurative mark containing the word element 'wallapop' — Application for registration No 13 268 941

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 18 January 2017 in the Cases R 2350/2015-5 and R 2530/2015-5

Form of order sought

The applicant claims that the Court should:

- Deliver a judgment amending the contested decision by rejecting the registration of the European Union mark 'wallapop' (No 13 268 941) for the following services in Class 35: '*Online trading, namely operation of online markets for buyers and sellers of goods and services; online trading services in which sellers post products or services to be offered for sale and purchasing or bidding is done via the Internet in order to facilitate the sale of goods and services by others via a computer network; providing evaluative feedback and ratings of sellers' goods and services, the value and prices of sellers' goods and services, buyers' and sellers' performance, delivery, and overall trading experience in connection therewith; Providing a searchable online advertising guide featuring the goods and services of online vendors; Providing a searchable online evaluation database for buyers and sellers; Market research services; Research, providing of reports, consultancy and advice relating to market behaviour; Providing of business information relating to goods and/or services, and evaluation and classification of the aforesaid goods and services, and of the purchasers and sellers of the aforesaid goods and/or services; Seeking, compilation, systemisation, processing and providing of business information for others.*'
- Order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 8 Regulation No 207/2009. In particular, it is stated in that regard that, in its decision, the Board of Appeal did not correctly interpret that provision in relation to the conflicting services in the WALA and WALLAPOP trademarks, in the light of the interpretative criteria arising from the judgment of 29 September 1998 in Case C-39/97, *Canon Kabushiki Kaisha v Metro-Goldwyn Mayer* (EU:C:1998:442).

Action brought on 21 March 2017 — Bernard Krone Holding v EUIPO (Mega Liner)

(Case T-187/17)

(2017/C 161/50)

Language of the case: German

Parties

Applicant: Bernard Krone Holding SE & Co. KG (Spelle, Germany) (represented by: T. Weeg and K. Lüken, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'Mega Liner' — Application No 14 473 094

Contested decision: Decision of the First Board of Appeal of EUIPO of 9 January 2017 in Case R 442/2016-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision, in so far as that decision dismisses the appeal;
- order EUIPO to pay the costs.

Pleas in law

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

Action brought on 21 March 2017 — Bernard Krone Holding v EUIPO (Coil Liner)

(Case T-188/17)

(2017/C 161/51)

Language of the case: German

Parties

Applicant: Bernard Krone Holding SE & Co. KG (Spelle, Germany) (represented by: T. Weeg and K. Lüken, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'Coil Liner' — Application for registration No 14 473 193

Contested decision: Decision of the First Board of Appeal of EUIPO of 9 January 2017 in Case R 443/2016-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in so far as it dismisses the appeal;
- order EUIPO to pay the costs.

Pleas in law

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