

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

Action brought on 5 April 2017 — Romantik Hotels & Restaurants v EUIPO — Hotel Preidlhof (ROMANTIK)

(Case T-213/17)

(2017/C 168/43)

Language in which the application was lodged: German

Parties

Applicant: Romantik Hotels & Restaurants AG (Frankfurt am Main, Germany) (represented by: S. Hofmann and W. Göpfert, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Hotel Preidlhof GmbH (Naturans, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'ROMANTIK' — EU trade mark No 2 527 109

Procedure before EUIPO: Invalidity proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 3 February 2017 in Case R 1257/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision, in so far as the declaration that EU trade mark No 2 527 109 'ROMANTIK' (a word mark) is invalid is confirmed in that decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 7(1)(b) of Regulation No 207/2009 in conjunction with Article 52(1)(a) thereof;
- Infringement of Article 7(3) of Regulation No 207/2009 in conjunction with Article 52(2) thereof.

Action brought on 7 April 2017 — Pear Technologies v EUIPO — Apple (PEAR)

(Case T-215/17)

(2017/C 168/44)

Language in which the application was lodged: English

Parties

Applicant: Pear Technologies Ltd (Macau, China) (represented by: J. Coldham, Solicitor and E. Himsforth, QC)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Apple Inc. (Cupertino, California, United States)

Details of the proceedings before EUIPO

Applicant: Applicant