

**Action brought on 28 December 2017 — Negru v EUIPO — Sky (SkyPrivate)**

(Case T-837/17)

(2018/C 072/54)

*Language in which the application was lodged: Romanian***Parties***Applicant:* Alexandru Negru (Iași, Romania) (represented by: I.-M. Iliescu, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Sky plc (Isleworth, United Kingdom)**Details of the proceedings before EUIPO***Applicant:* Applicant*Trade mark at issue:* International registration designating the European Union in respect of the figurative mark containing the word element 'Skyprivate'*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 12 October 2017 in Case R 349/2017-2**Form of order sought**

The applicant claims that the Court should:

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

**Plea in law**

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

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**Action brought on 9 January 2018 — Holzer y Cia v EUIPO — Annco (ANN TAYLOR)**

(Case T-3/18)

(2018/C 072/55)

*Language in which the application was lodged: English***Parties***Applicant:* Holzer y Cia, SA de CV (Mexico City, Mexico) (represented by: N. Fernández Fernández-Pacheco, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Annco, Inc. (New York, New York, United States)**Details of the proceedings before EUIPO***Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* EU word mark 'ANN TAYLOR' — EU trade mark No 9 865 651

*Procedure before EUIPO:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 2 November 2017 in Case R 2370/2016-2

### **Form of order sought**

The applicant claims that the Court should:

- admit the action;
- annul the contested decision;
- confirm the validity of the registration of the EUTM No 9 865 651 'ANN TAYLOR' for all the products for which the said application sought protection;
- order the intervener to pay the costs of the procedure.

### **Plea in law**

- The Board of Appeal erred in his analysis regarding: the existence of confusing similarity between the conflicting signs and the knowledge of the proprietor of a confusingly similar trademark when filing its application; the intentions of the proprietor at the time of filing its trademark; the probative value given to the evidences submitted by the cancellation applicant and the burden of proof.

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**Action brought on 9 January 2018 — Holzer y Cia v EUIPO — Annco (AT ANN TAYLOR)**

**(Case T-4/18)**

(2018/C 072/56)

*Language in which the application was lodged: English*

### **Parties**

*Applicant:* Holzer y Cia, SA de CV (Mexico city, Mexico) (represented by: N. Fernández Fernández-Pacheco, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Annco, Inc. (New York, New York, United States)

### **Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* EU figurative mark containing the word elements 'AT ANN TAYLOR' — EU trade mark No 11 197 647

*Procedure before EUIPO:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 8 November 2017 in Case R 2371/2016-2