

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 20 November 2017 in Case R 1004/2017-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- reject the opposition No B 2 644 816 filed by McKesson Europe AG (formerly Celesion AG) to the international registration designating the European Union in respect of the word mark Celesion applied for by the applicant;
- order EUIPO to bear its own costs and pay those incurred by the applicant for the purposes of the proceedings before the Court;
- order EUIPO and McKesson Europe AG (formerly Celesion AG) each to pay half of the costs necessarily incurred by the applicant for the purposes of the proceedings before the Board of Appeal of EUIPO.

Plea in law

- Infringement of Article 8(1)(b) Regulation No 2017/1001.

Action brought on 23 January 2018 — Stirlinx Arkadiusz Kamusiński v EUIPO — Heinrich Bauer Verlag (Brave Paper)

(Case T-37/18)

(2018/C 104/62)

Language in which the application was lodged: English

Parties

Applicant: Stirlinx Arkadiusz Kamusiński (Warsaw, Poland) (represented by: M. Pruszczyk, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Heinrich Bauer Verlag KG (Hamburg, Germany)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'Brave Paper' — Application for registration No 13 774 211

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 15 November 2017 in Case R 391/2017-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- allow the trademark to be registered for all applied goods and services;

— order EUIPO to bear the costs.

Pleas in law

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

Action brought on 24 January 2018 — Ecolab USA v EUIPO (SOLIDPOWER)

(Case T-40/18)

(2018/C 104/63)

Language of the case: English

Parties

Applicant: Ecolab USA, Inc. (Wilmington, Delaware, United States) (represented by: V. Töbelmann and K. Middelhoff, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the word mark 'SOLIDPOWER' — Application for registration No 1 310 671

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 9 November 2017 in Case R 1182/2017-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to bear its own costs as well as the costs of the Applicant.

Pleas in law

— Infringement of Articles 7(1)(b), 7(1)(c) and Article 7(2) of Regulation No 2017/1001.

Action brought on 24 January 2018 — Rietze v EUIPO — Volkswagen (Voitures)

(Case T-43/18)

(2018/C 104/64)

Language in which the application was lodged: German

Parties

Applicant: Rietze GmbH & Co. KG (Altdorf, Germany) (represented by: M. Krogmann, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Volkswagen AG (Wolfsburg, Germany)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Other party to the proceedings before the Board of Appeal