

It submits, inter alia, that the defendant incorrectly assumed that the colouring extract based on dried butterfly pea flowers, on which the application is based, did not fall within the scope of Regulation 2015/2283 and was a food additive within the meaning of Article 3(2)(a) of Regulation No 1333/2008.

- <sup>(1)</sup> Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ 2015, L 327, p. 1).
- <sup>(2)</sup> Commission Implementing Regulation (EU) 2017/2469 of 20 December 2017 laying down administrative and scientific requirements for applications referred to in Article 10 of Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel food (OJ 2017, L 351, p. 64).

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**Action brought on 20 September 2018 — LG Electronics v EUIPO — Beko (BECON)**

**(Case T-557/18)**

(2018/C 399/70)

*Language of the case: English*

**Parties**

*Applicant:* LG Electronics, Inc. (Seoul, South Korea) (represented by: M. Graf, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Beko plc (Watford, United Kingdom)

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* Application for European Union word mark BECON — Application for registration No 13 142 336

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 11 July 2018 in Case R 41/2018-5

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision as far as the appeal against the decision of the Opposition Division was dismissed;
- order EUIPO to pay the costs.

**Plea in law**

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 13 September 2018 — Atos Medical v EUIPO — Andreas Fahl Medizintechnik-Vertrieb (medical plasters)**

**(Case T-559/18)**

(2018/C 399/71)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Atos Medical GmbH (Troisdorf, Germany) (represented by: K. Middelhoff, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Andreas Fahl Medizintechnik-Vertrieb GmbH (Cologne, Germany)

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

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

*Design at issue:* Community design No 1339246-0009

*Contested decision:* Decision of the Third Board of Appeal of EUIPO of 29 June 2018 in Case R 2215/2016-3

### **Form of order sought**

The applicant claims that the Court should:

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

Should the other party intervene in the proceedings, the applicant further claims that the Court should:

- order the other party to bear its own costs.

### **Pleas in law**

- Infringement of Article 4(1) of Council Regulation (EC) No 6/2002;
- Infringement of Articles 5 and 6 of Council Regulation (EC) No 6/2002;
- Infringement of Article 25(1) of Council Regulation (EC) No 6/2002.

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**Action brought on 13 September 2018 — Atos Medical v EUIPO — Andreas Fahl Medizintechnik-Vertrieb (medical plasters)**

**(Case T-560/18)**

(2018/C 399/72)

*Language in which the application was lodged: German*

### **Parties**

*Applicant:* Atos Medical GmbH (Troisdorf, Germany) (represented by: K. Middelhoff, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Andreas Fahl Medizintechnik-Vertrieb GmbH (Cologne, Germany)