

— order EUIPO to pay the costs.

#### **Plea in law**

— The mark applied for taken as a whole is not descriptive of a characteristic of the services concerned. The analysis adopted by EUIPO is contrary to the terms of the applicable provisions and case-law and the registered sign is perfectly distinctive and therefore capable of fulfilling the essential function of a trademark.

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### **Action brought on 26 November 2018 — Werner v EUIPO — Merck (FLORAMED)**

**(Case T-695/18)**

(2019/C 25/79)

*Language in which the application was lodged: German*

#### **Parties**

*Applicant:* Stefan Werner (Baldham, Germany) (represented by: T. Büttner, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Merck KGaA (Darmstadt, Germany)

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

*Applicant for the trade mark at issue:* Applicant

*Trade mark at issue:* European Union figurative mark 'FLORAMED' — Registration No 15 336 639

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 17 September 2018 in Case R 197/2018-2

#### **Form of order sought**

The applicant claims that the Court should:

— annul the contested decision, as well as the decision of the Opposition Division of 24 November 2017, to reject the application for a trade mark in respect of all the goods claimed, which upheld the opposition brought by the opposing party on 7 October 2016.

#### **Plea in law**

— Infringement of Article 8(1)(b) of Regulation (EU) No 2017/1001 of the European Parliament and of the Council.

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### **Action brought on 26 November 2018 — Aldi v EUIPO — Titlbach (ALTISPORT)**

**(Case T-697/18)**

(2019/C 25/80)

*Language in which the application was lodged: German*

#### **Parties**

*Applicant:* Aldi GmbH & Co. KG (Mülheim an der Ruhr, Germany) (represented by: N. Lützenrath, U. Rademacher, C. Fürsen and M. Minkner, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Aleš Titlbach (Meziboří, Czech Republic)

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

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

*Trade mark at issue:* International registration designating the European Union in respect of the mark ALTISPORT — International registration designating the European Union No 1 226 617

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 19 September 2018 in Case R 2683/2017-4

### **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 (EU) No 2017/1001 of the European Parliament and of the Council.

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**Action brought on 26 November 2018 — Kalypso Media Group v EUIPO — Wizards of the Coast (DUNGEONS)**

**(Case T-700/18)**

(2019/C 25/81)

*Language of the case: English*

### **Parties**

*Applicant:* Kalypso Media Group GmbH (Worms, Germany) (represented by: T. Boddien, Rechtsanwalt)

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

*Other party to the proceedings before the Board of Appeal:* Wizards of the Coast LLC (Pawtucket, Rhode Island, United States)

### **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 DUNGEONS — Application for registration No 13 271 838

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 21 September 2018 in Case R 599/2018-4