

Action brought on 30 July 2014 — Laverana v OHIM (BIO PROTEINREICHER PFLANZENKOMPLEX AUS EIGENER HERSTELLUNG)

(Case T-571/14)

(2014/C 361/18)

Language of the case: German

Parties

Applicant: Laverana GmbH & Co. KG (Wennigsen, Germany) (represented by J. Wachinger, M. Zöbisch and D. Chatterjee, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 May 2014 in case R 125/2014-4;
- order the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Figurative mark which contains the word elements 'BIO PROTEINREICHER PFLANZENKOMPLEX AUS EIGENER HERSTELLUNG' for goods and services in Classes 3, 5 and 35 — Community trade mark application No 11 922 911

Decision of the Examiner: Refused the application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law:

- Infringement of Article 7(1)(b) of Regulation No 207/2009;
- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009;
- Infringement of Article 7(1)(c) of Regulation No 207/2009;
- Misuse of powers by a decision on the basis of competition policy considerations

Action brought on 31 July 2014 — Laverana v OHIM (BIO CON ESTRATTI VEGETALI DI PRODUZIONE PROPRIA)

(Case T-572/14)

(2014/C 361/19)

Language of the case: German

Parties

Applicant: Laverana GmbH & Co. KG (Wennigsen, Germany) (represented by J. Wachinger, M. Zöbisch and D. Chatterjee, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 May 2014 in case R 527/2014-4;
- order the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Figurative mark which contains the word elements 'BIO CON ESTRATTI VEGETALI DI PRODUZIONE PROPRIA' for goods and services in Classes 3, 5 and 35 — Community trade mark application No 12 130 076

Decision of the Examiner: Refused the application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law:

- Infringement of Article 7(1)(b) of Regulation No 207/2009;
- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009;
- Infringement of Article 7(1)(c) of Regulation No 207/2009;
- Misuse of powers by a decision on the basis of competition policy considerations.

Action brought on 6 August 2014 — Crosfield Italia v ECHA

(Case T-587/14)

(2014/C 361/20)

Language of the case: Italian

Parties

Applicant: Crosfield Italia Srl (Verona, Italy) (represented by: M. Baldassarri, lawyer)

Defendant: European Chemicals Agency (ECHA)

Form of order sought

The applicant claims that the General Court should annul and thereby declare invalid and/or deprived of effect Decision No SME/2013/4672 of 28 May 2014 of the European Chemicals Agency, communicated to the applicant on 9 June 2014, thus rendering inoperative each of the effects of that decision, including the annulment of the invoices issued for the recovery of higher taxes and penalties purportedly owing.

Pleas in law and main arguments

The present action is brought against the decision of the European Chemicals Agency that the applicant does not satisfy the requirements for being regarded as a small or medium-sized enterprise within the meaning of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ 2006 L 396, p. 1), denying the applicant the benefits provided for in that regulation and providing that it is to pay the fees and charges allegedly owing.

The pleas in law and main arguments are similar to those relied on in Case T-620/13 *Marchi Industriale v ECHA*.
