

5. Fifth plea in law, alleging a manifest error of assessment by failing to open the formal investigation procedure provided for in Article 108(2) TFEU and Article 4(4) of Regulation No 659/1999.
6. Sixth plea in law, alleging an infringement of an essential procedural requirement by failing to state sufficient reasons pursuant to Article 296(2) TFEU with regard to the lack of State resources and the concept of Article 106(1) in conjunction with Article 107(1) TFEU.

⁽¹⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 83, p. 1).

Action brought on 4 February 2015 — Ludwig Bertram v OHIM — Seni Vita (Sanivita)

(Case T-58/15)

(2015/C 118/45)

Language in which the application was lodged: German

Parties

Applicant: Ludwig Bertram GmbH (Isernhagen, Germany) (represented by: V. Rust-Sorge, lawyer)

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

Other party to the proceedings before the Board of Appeal: Seni Vita OHG (Bayreuth, Germany)

Details of the proceedings before OHIM

Applicant for the trade mark at issue: Applicant

Trade mark at issue: Community figurative mark No 9949959

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 21 November 2014 in Case R 1087/2013-1

Form of order sought

The applicant claims that the Court should annul the contested decision.

Plea in law

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

Action brought on 12 February 2015 — Polo Club v OHIM — Lifestyle Equities (POLO CLUB SAINT-TROPEZ HARAS DE GASSIN)

(Case T-67/15)

(2015/C 118/46)

Language in which the application was lodged: English

Parties

Applicant: Polo Club (Gassin, France) (represented by: D. Masson, lawyer)