

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and the decision of the Opposition Division of 24 February 2014 (opposition proceedings No B 2 066 184);
- reject the opposition No B 2 066 184 in its entirety;
- order OHIM and the opponent to pay the costs.

Plea in law

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

Action brought on 23 February 2015 — Niagara Bottling v OHIM (NIAGARA)**(Case T-89/15)**

(2015/C 118/56)

*Language of the case: English***Parties**

Applicant: Niagara Bottling LLC (Ontario, United States) (represented by: M. Edenborough, QC)

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

Details of the proceedings before OHIM

Trade mark at issue: International registration No 1 153 535 designating the European Union in respect of the word mark 'NIAGARA'

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 12 December 2014 in Case R 784/2014-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs.

Plea in law

- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009.

Action brought on 18 February 2015 — Schoeller Corporation v OHIM — Sscope (SCOPE)**(Case T-90/15)**

(2015/C 118/57)

*Language in which the application was lodged: German***Parties**

Applicant: Schoeller Corporation GmbH (Berlin, Germany) (represented by: D. van Ackeren, lawyer)

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

Other party to the proceedings before the Board of Appeal: Sqope SA (Luxembourg, Luxembourg)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community word mark 'SCOPE' — Application No 4 502 341

Procedure before OHIM: Invalidation proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 21 November 2014 in Case R 2381/2013-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- in the alternative, annul the contested decision in so far as it relates to the services financial analysis and financial information;
- order the unsuccessful parties to pay the costs.

Pleas in law

- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009;
 - Infringement of Article 52(1)(a) of Regulation No 207/2009.
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