

**Details of the proceedings before OHIM**

*Applicant:* Applicant

*Trade mark at issue:* Community word mark 'VIOS' — Application No 11 283 546

*Procedure before OHIM:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of OHIM of 22 January 2015 in Case R 623/2014-5

**Form of order sought**

The applicant claims that the Court should:

- uphold the action and alter the contested decision to the effect that registration of the mark 'VIOS' is allowed to proceed in respect of all the Classes and thus also in respect of:

Class 18: Goods made of these materials (of leather and imitations of leather) and not included in other classes; Trunks and travelling bags; Parasols;

Class 25: Clothing, headgear;

In the alternative:

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

**Plea in law**

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

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**Action brought on 24 April 2015 — Aguirre and Company v OHIM — Puma (Representation of a sports shoe)**

**(Case T-205/15)**

(2015/C 205/49)

*Language in which the application was lodged: Spanish*

**Parties**

*Applicant:* Aguirre and Company, SA. (Madrid, Spain) (represented by: M. Pomares Caballero and A. Pomares Caballero, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Puma SE (Herzogenaurach, Germany)

**Details of the proceedings before OHIM**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* Community figurative mark representing a sports shoe —Community trade mark No 1050520-0001

*Contested decision:* Decision of the Third Board of Appeal of OHIM of 20 January 2015 in Case R 696/2013-3

**Forms of order sought**

The applicant claims that the General Court should:

- alter the contested decision so as to find that the ground of invalidity laid down in Article 25(1)(e) of Regulation No 6/2002 found by the Board of Appeal is not met in this case;
- or, alternatively, annul the contested decision;
- and, in any event, order OHIM to pay the costs and the costs of the applicant.

**Pleas in law**

- infringement of an essential procedural requirement in that the contested decision contained inconsistent statements with the result that it is insufficiently reasoned.
- infringement of Article 25(1)(e) Regulation No 6/2002.
- infringement of Article 63 of Regulation No 6/2002.

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**Action brought on 23 April 2015 — Gmina Kosakowo v Commission**

(Case T-209/15)

(2015/C 205/50)

*Language of the case: Polish*

**Parties**

*Applicant:* Gmina Kosakowo (Kosakowo, Poland) (represented by: M. Leśny, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul Article 2(1) and (2) of the Decision of the European Commission of 26 February 2015 on the measure SA.35388 (2013/C) (ex 2013/NN and ex 2012/N);
- annul Article 3(1), (2), (3) and (4) of the Decision of the European Commission of 26 February 2015 on the measure SA.35388 (2013/C) (ex 2013/NN and ex 2012/N);
- annul Article 4(1) and (2) of the Decision of the European Commission of 26 February 2015 on the measure SA.35388 (2013/C) (ex 2013/NN and ex 2012/N);
- order the defendant to pay the costs of the proceedings, including the costs incurred by the applicant for the purposes of its legal representation.

**Pleas in law and main arguments**

In support of the action the applicant sets out five pleas in law.

1. First plea in law:

- erroneous determination of the facts taken as the basis for the contested decision.