

- Infringement of Article 51(1)(a) Regulation No 207/2009;
- Discordance with the Guidelines for Examination of the OHIM Part C Section 6.

Action brought on 20 November 2015 — Environmental Manufacturing v OHIM — Société Elmar Wolf (Representation of a wolf's head)

(Case T-681/15)

(2016/C 038/90)

Language in which the application was lodged: English

Parties

Applicant: Environmental Manufacturing LLP (Stowmarket, United Kingdom) (represented by: S. Malynicz, Barrister)

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

Other party to the proceedings before the Board of Appeal: Société Elmar Wolf SA (Wissembourg, France)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community figurative mark (Representation of a wolf's head) — Community trade mark application No 4 971 511

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 3 September 2015 in Case R 1252/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM and other party to pay their own costs and pay those of the applicant.

Plea in law

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

Action brought on 26 November 2015 — Sulayr Global Service v OHIM — Sulayr Calidad (sulayr GLOBAL SERVICE)

(Case T-685/15)

(2016/C 038/91)

Language in which the application was lodged: Spanish

Parties

Applicant: Sulayr Global Service, SL (Valle del Zalabi, Spain) (represented by: P. López Ronda, G. Macías Bonilla, G. Marín Raigal, and E. Armero Lavie, lawyers)

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

Other party to the proceedings before the Board of Appeal: Sulayr Calidad, SL (Granada, Spain)

Details of the proceedings before OHIM

Applicant for the trade mark at issue: Applicant

Trade mark at issue: Community figurative mark containing the word elements 'sulayr GLOBAL SERVICE' — Application for registration No 11 960 515

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 23 September 2015 in Case R 149/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision, in so far as it found a similarity between the services sought in class 40 and the services covered by the earlier mark in class 42 and consequently, a risk of confusion as regards those services;
- order OHIM to pay the costs.

Pleas in law

- Infringement of Article 60 of Regulation No 207/2009 and Rule 49(1) of Regulation No 2868/95.
- Infringement of Article 75 of Regulation No 207/2009.
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 27 November 2015 — Clover Canyon v OHIM — Kaipa Sportswear (CLOVER CANYON)

(Case T-693/15)

(2016/C 038/92)

Language in which the application was lodged: English

Parties

Applicant: Clover Canyon, Inc. (Los Angeles, United States) (represented by: T. Schmitz, lawyer)

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

Other party to the proceedings before the Board of Appeal: Kaipa Sportswear GmbH (Heilbronn, Germany)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: International registration designating the European Union in respect of the word mark 'CLOVER CANYON' — Application for registration No 1 120 485

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 4 August 2015 in Case R 3018/2014-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;