

**Action brought on 21 December 2015 — Gauff v OHIM — H.P. Gauff Ingenieure (Gauff)****(Case T-748/15)**

(2016/C 078/36)

*Language in which the application was lodged: German***Parties***Applicant:* Gauff GmbH & Co. Engineering KG (Nuremberg, Germany) (represented by: A. Molnar, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*Other party to the proceedings before the Board of Appeal:* H.P. Gauff Ingenieure GmbH & Co. KG — JBG (Frankfurt am Main, Germany)**Details of the proceedings before OHIM***Proprietor of the trade mark at issue:* Applicant*Trade mark at issue:* Community word mark 'Gauff' — Community trade mark No 6 192 521*Procedure before OHIM:* Proceedings for a declaration of invalidity*Contested decision:* Decision of the First Board of Appeal of OHIM of 8 October 2015 in Case R 1350/2014-1**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- in the alternative, refer the case back to OHIM for further examination of the disputed matters that were, in error, not examined;
- order OHIM to pay the costs, including the costs incurred in the course of the appeal proceedings.

**Pleas in law**

- Infringement of Articles 53, 56, 57 and 76 of Regulation No 207/2009;
- Infringement of Regulation No 2868/95;
- Breach of the right to be heard;
- Defective statement of reasons.

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**Action brought on 18 December 2015 — Guccio Gucci v OHIM — Guess? IP Holder (Representation of four interlaced letters G)****(Case T-753/15)**

(2016/C 078/37)

*Language in which the application was lodged: English***Parties***Applicant:* Guccio Gucci SpA (Florence, Italy) (represented by: P. Roncaglia, F. Rossi and N. Parrotta, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Guess? IP Holder LP (Los Angeles, United States)

### **Details of the proceedings before OHIM**

*Applicant of the trade mark at issue:* Other party to the proceedings before the Board of Appeal

*Trade mark at issue:* International registration designating the European Union in respect of the figurative mark representing four interlaced letters G — International registration designating the European Union No 1 090 048

*Procedure before OHIM:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of OHIM of 14 October 2015 in Case R 1703/2014-4

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs incurred by the applicant during these proceedings;
- order Guess to pay the costs incurred by the applicant in the proceedings before the Board of Appeal of OHIM.

### **Pleas in law**

- Infringement of Articles 8(1)(b), 8(5) and 75 of Regulation No 207/2009.

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## **Action brought on 28 December 2015 — Labeyrie v OHIM — Delpeyrat (Representation of a sowing of golden fish on a blue background)**

**(Case T-766/15)**

(2016/C 078/38)

*Language in which the application was lodged: French*

### **Parties**

*Applicant:* Labeyrie (Saint-Geours-de-Maremne, France) (represented by: A. Lecomte, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Delpeyrat (Saint Pierre du Mont, France)

### **Details of the proceedings before OHIM**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* Community figurative mark in colour (Representation of a sowing of golden fish on a blue background) — Community trade mark No 3 916 509