

- misapplied and erroneously relied upon the communication from the European Commission on Regulation (EC) No 141/2000 ⁽²⁾;
- erroneously placed reliance on the fact that the applicant had previously received protocol assistance pursuant to Article 6 of Regulation (EC) No 141/2000; and
- frustrated the objective of Regulation (EC) No 141/2000 as identified by Article 1 of Regulation (EC) No 141/2000 and its recitals.

⁽¹⁾ Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products (OJ 2000 L 18, p. 1).

⁽²⁾ Communication (2003/C 178/02) from the Commission on Regulation (EC) No 141/2000 of the European Parliament and of the Council on orphan medicinal products (OJ 2003 C 178, p. 2).

**Action brought on 23 February 2016 — International Gaming Projects v EUIPO — adp Gauselmann
(TRIPLE EVOLUTION)**

(Case T-82/16)

(2016/C 136/53)

Language in which the application was lodged: English

Parties

Applicant: International Gaming Projects Ltd (Valletta, Malta) (represented by: M. Garayalde Niño, A. Alpera Plazas, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: adp Gauselmann GmbH (Espelkamp, Germany)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark containing the word elements ‘TRIPLE EVOLUTION’ — Application for registration No 11 968 138

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 2 December 2015 in Case R 725/2015-2

Form of order sought

The applicant claims that the Court should:

- admit the application;
- annul the contested decision in its entirety;
- order the registration of the EU mark TRIPLE EVOLUTION in all the goods and services it seeks protection;
- order EUIPO and/or the opponent to bear the fees and costs.

Plea in law

— The Board of Appeal wrongly concluded that there was a likelihood of confusion between the confronted signs.

Action brought on 17 February 2016 — Shoe Branding Europe v EUIPO — adidas (Position of two parallel stripes on a shoe)**(Case T-85/16)**

(2016/C 136/54)

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

Applicant: Shoe Branding Europe BVBA (Oudenaarde, Belgium) (represented by: J. Løje, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: adidas AG (Herzogenaurach, Germany)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU position mark consisting of two parallel lines positioned on the outside surface of the upper part of a shoe — Application for registration No 10 477 701

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 26 November 2015 in Case R 3106/2014-2

Form of order sought

The applicant claims that the Court should:

principally:

— annul the contested decision;

— order EUIPO to pay the costs;

in the alternative:

— remit the case to the Defendant ordering a renewed examination independent of the judgment of the General Court in case No. T-145/14;

in the second alternative:

— remit the case to the Defendant ordering a stay of the proceedings on the outcome of the Applicant's appeal of the General Court's decision in case No. T-145/14 to the Court of Justice of the European Union, case No. C-396/15 P, and on delivery of a judgment from the Court of Justice of the European Union in said case to conduct its own evaluation of the similarities and differences between the marks to be compared.

Pleas in law

— the Defendant erred in not making its own assessment of the similarities and differences between the Applicant's disputed mark and the earlier mark of the Opponent registered under EU trade mark No 3 517 646;