

In any case,

- annul the contested decision insofar as it upheld ING-DIBa's appeal on credit cards, and declare that the EU trade mark application No 12 192 308 is eligible for registration for such goods or in alternative refer the case back to EUIPO in order for the latter to adopt the consequent measures;

In any case,

- order EUIPO to bear, in addition to its own costs, also the costs and legal fees borne by Banca Monte dei Paschi di Siena SpA and Wise Dialog Bank SpA with regard to the present proceedings and the proceedings before the EUIPO.

Pleas in law

- Infringement of Articles 81(1) and 60 of Regulation No 207/2009;
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

**Action brought on 18 February 2016 — Banca Monte dei Paschi di Siena et Banca Widiba v EUIPO —
ING-DIBa (widiba)**

(Case T-84/16)

(2016/C 211/67)

Language in which the application was lodged: English

Parties

Applicants: Banca Monte dei Paschi di Siena SpA (Siena, Italy), Wise Dialog Bank SpA (Banca Widiba SpA) (Milan, Italy) (represented by: L. Trevisan and D. Contini, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: ING-DIBa AG (Frankfurt am Main, Germany)

Details of the proceedings before EUIPO

Applicants of the trade mark at issue: Applicants

Trade mark at issue: EU figurative mark containing the word element 'widiba' — Application for registration No 12 192 415

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 26 November 2015 in Joined Cases R 113/2015-2 and R 174/2015-2

Form of order sought

The applicants claim that the Court should:

- annul the contested decision as it did not grant the request for *restitutio in integrum*, and refer the case back to the Board of Appeal;

In the event of dismissal of conclusion 1) above,

- annul the contested decision at issue as it upheld the Opposition Division's decision rejecting the trade mark application No 12 192 415 for some specific goods and services, and declare that the EU trade mark application No 12 192 415 is eligible for registration for such goods and services or in alternative refer the case back to EUIPO in order for the latter to adopt the consequent measures;

In any case,

- annul the contested decision insofar as it upheld ING-DIBa's appeal on credit cards, and declare that the EU trade mark application No 12 192 15 is eligible for registration for such goods or in alternative refer the case back to EUIPO in order for the latter to adopt the consequent measures

In any case,

- order EUIPO to bear, in addition to its own costs, also the costs and legal fees borne by Banca Monte dei Paschi di Siena SpA and Wise Dialog Bank SpA with regard to the present proceedings and the proceedings before the EUIPO.

Pleas in law

- Infringement of Articles 81(1) and 60 of Regulation No 207/2009;
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 18 March 2016 — Sandvik Intellectual Property v EUIPO — Unipapel (ADVEON)

(Case T-115/16)

(2016/C 211/68)

Language in which the application was lodged: English

Parties

Applicant: Sandvik Intellectual Property AB (Sandviken, Sweden) (represented by: S. Maaßen, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Unipapel Industria, Comercio y Servicios, SL (Madrid, Spain)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: International registration designating the European Union in respect of the word in standard characters 'ADVEON' — International registration designating the European Union No 1 164 374

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 15 January 2016 in Case R 738/2015-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- modify the contested decision such that the opposition is rejected and the designation of international registration IR 1164374 to the European Union is allowed;
- order EUIPO to pay the costs of the proceedings, or;