

Re:

Application for suspension of the operation of Commission Regulation (EU) 2015/1910 of 21 October 2015 amending Annexes III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for guazatine in or on certain products (OJ 2015 L 280, p. 2).

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *The costs are reserved.*

Action brought on 17 March 2016 — Philip Morris Brands v EUIPO — Explosal (Superior Quality Cigarettes FILTER CIGARETTES Raquel)

(Case T-105/16)

(2016/C 175/20)

Language in which the application was lodged: English

Parties

Applicant: Philip Morris Brands Sàrl (Neuchâtel, Switzerland) (represented by: L. Alonso Domingo, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Explosal Ltd (Larnaca, Cyprus)

Details of the proceedings before EUIPO

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

Trade mark at issue: EU figurative mark in black and white containing the word elements 'Superior Quality Cigarettes FILTER CIGARETTES Raquel' — EU trade mark No 10 008 084

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of EUIPO of 4 January 2016 in Case R 2775/2014-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and either reject EUTM application no. 10008084 for all goods or, subsidiarily, send the case back to the Board of Appeal for further consideration of the prohibitions laid down by Article 8(1)(b) and 8(5) of Regulation No 207/2009 in light of the submitted evidence of repute and enhanced distinctiveness of the earlier trade mark;
- order EUIPO and the other party to pay their own the costs and those of the applicant.

Pleas in law

- Infringement of Article 76(2) of Regulation No 207/2009;

- Infringement of Articles 8(1)(b) and 76(1) of Regulation No 207/2009;
- Infringement of Article 8(5) of Regulation No 207/2009.

Action brought on 17 March 2016 — zero v EUIPO — Hemming (ZIRO)
(Case T-106/16)
(2016/C 175/21)

Language in which the application was lodged: English

Parties

Applicant: zero Holding GmbH & Co. KG (Bremen, Germany) (represented by: M. Nentwig, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Oliver Hemming (Cadbury, United Kingdom)

Details of the proceedings before EUIPO

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

Trade mark at issue: EU figurative mark containing the word element 'ZIRO' — EU trade mark application No 12 264 958

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 12 January 2016 in Case R 71/2015-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Article 75, second sentence, of Regulation No 207/2009.

Action brought on 18 March 2016 — Airhole Facemasks v EUIPO — industrysurf (AIRHOLE FACE MASKS YOU IDIOT)

(Case T-107/16)
(2016/C 175/22)

Language in which the application was lodged: English

Parties

Applicant: Airhole Facemasks, Inc. (Vancouver, British Columbia, Canada) (represented by: A. Michaels, Barrister and S. Barker, Solicitor)