

Action brought on 9 May 2016 — Meissen Keramik v EUIPO — Staatliche Porzellan-Manufaktur Meissen (Meissen)

(Case T-234/16)

(2016/C 243/51)

Language in which the application was lodged: German

Parties

Applicant: Meissen Keramik GmbH (Meißen, Germany) (represented by: M. Vohwinkel and M. Bagh, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Staatliche Porzellan-Manufaktur Meissen GmbH (Meißen, Germany)

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 word mark 'Meissen' — EU trade mark No 3 743 663

Procedure before EUIPO: Revocation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 8 March 2016 in Cases R 2620/2014-4 and R 2622/2014-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in so far as it finds against the applicant, that is to say in so far as the appeal lodged by the applicant for a declaration of revocation and applicant in the present proceedings was dismissed and in so far as, in addition, owing to the appeal filed by the proprietor of the trade mark, the contested decision of the Cancellation Division was annulled and the application for cancellation was also rejected in that respect;
- in so far as the Court regards itself as authorised to make an alteration: declare EU trade mark No 3 743 663 to be revoked in its entirety — in the alternative or incidentally: refer the case back to EUIPO;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 15(1)(a) of Regulation No 207/2009;
- Infringement of Article 75 of Regulation No 207/2009.

Action brought on 10 May 2016 — Biogena Naturprodukte v EUIPO (ZUM wohl)

(Case T-236/16)

(2016/C 243/52)

Language of the case: German

Parties

Applicant: Biogena Naturprodukte GmbH & Co KG (Salzburg, Austria) (represented by: I. Schiffer, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU figurative mark including the word elements 'ZUM wohl' — Application No 13 666 871

Contested decision: Decision of the First Board of Appeal of EUIPO of 23 February 2016 in Case R 1982/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- declare that the sign applied for under the number 013 666 871 be allowed to proceed to registration as an EU trade mark in respect of all the goods and services in Classes 29, 30, 32 and 43 for which registration is sought in the application of 23 January 2015;
- order EUIPO to pay all the costs which the applicant for the EU trade mark has incurred as a result of the application procedure;
- order EUIPO to pay the costs of these proceedings.

Pleas in law

- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009.

Action brought on 12 May 2016 — Polskie Zdroje v EUIPO (perlage)

(Case T-239/16)

(2016/C 243/53)

Language of the case: Polish

Parties

Applicant: Polskie Zdroje sp. z o.o. sp. k. (Warsaw, Poland) (represented by: T. Gawrylczyk, legal adviser)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'perlage' — application for registration no 13 472 899

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 16 March 2016 in Case R 1129/2015-5