

Pleas in law

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

Action brought on 22 July 2016 — Berliner Stadtwerke v EUIPO (berlinGas)**(Case T-402/16)**

(2016/C 335/67)

*Language of the case: German***Parties***Applicant:* Berliner Stadtwerke GmbH (Berlin, Germany) (represented by: O. Spieker, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)**Details of the procedure before EUIPO***Mark at issue:* EU word mark 'berlinGas' — application No 14 067 714*Contested decision:* Decision of the First Board of Appeal of EUIPO of 12 May 2016 in Case R 291/2016-1**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to bear the costs of the proceedings.

Plea in law

- Infringement of Article 7(1)(b) and (c), in conjunction with Article 7(2), of Regulation No 207/2009.

Action brought on 28 July 2016 — Stada Arzneimittel v EUIPO — Vivatech (Immunostad)**(Case T-403/16)**

(2016/C 335/68)

*Language in which the application was lodged: German***Parties***Applicant:* Stada Arzneimittel AG (Bad Vilbel, Germany) (represented by: R. Kaase and J. Plate, lawyers)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Vivatech (Paris, France)**Details of the procedure before EUIPO***Proprietor of the mark at issue:* the applicant*Mark at issue:* EU word mark 'Immunostad' — EU trade mark No 9 552 225