

Other party to the proceedings before the Board of Appeal: eBay, Inc. (San Jose, California, United States)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'DATABAY' — EU trade mark application No 12 353 975

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 12 May 2016 in Case R 925/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to bear its own and pay the applicant's costs.

Plea in law

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

Action brought on 22 July 2016 — Dogg Label v EUIPO — Chemoul (JAPRAG)
(Case T-406/16)
(2016/C 364/14)

Language in which the application was lodged: French

Parties

Applicant: Dogg Label (Marseille, France) (represented by: M. Angelier, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party before the Board of Appeal: Patrick Chemoul (Paris, France)

Details of the procedure before EUIPO

Proprietor of the mark at issue: the other party before the Board of Appeal

Mark at issue: EU word mark 'JAPRAG' — EU trade mark No 8 820 301

Proceedings before EUIPO: invalidity proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 13 May 2016 in Case R 2336/2015-2

Form of order sought

The applicant claims that the Court should:

- set aside the contested decision;

- order the European Union Intellectual Property Office to assent to the action for annulment brought by the company DOGG LABEL;
- declare invalid the Community trade mark 'JAPRAG' No 8 820 301 for all the goods in Classes 18 and 25, on the basis of Article 53(1)(a) of the EU trade mark regulation in conjunction with Article 8(1)(b) of that regulation.

Pleas in law

- Infringement of Article 53(1)(a) of Regulation No 207/2009;
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 31 July 2016 — Syriatel Mobile Telecom v Council

(Case T-411/16)

(2016/C 364/15)

Language of the case: French

Parties

Applicant: Syriatel Mobile Telecom (Joint Stock Company) (Damascus, Syria) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the applicant's application admissible and well-founded;
- as a consequence, annul Decision (CFSP) 2016/850 of 27 May 2016 and the subsequent measures implementing it, in so far as they relate to the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging infringement of the rights of the defence and of the right to effective judicial protection, provided for in Articles 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ('ECHR'), in Article 215 of the Treaty on the Functioning of the European Union ('TFEU') and in Articles 41 and 47 of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging infringement of the obligation to state reasons, in so far as the Council's reasoning does not meet the obligation on the institutions of the European Union laid down in Article 6 of the ECHR, Article 296 TFEU and Article 41 of the Charter of Fundamental Rights of the European Union.