

Other party to the proceedings before the Board of Appeal: Aromas Selective, SL (Dos Hermanas, Spain)

Details of the proceedings before EUIPO

Applicant: Applicant

Trade mark at issue: EU figurative mark containing the word elements ‘Aa AROMAS artesanales’– Application for registration No 12 215 018

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 20 May 2016 in Case R 766/2015-5

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Existence of priority rights and peaceful co-existence on the market and in the registration of the allegedly conflicting marks.
- Weak distinctive character of the term ‘AROMAS’.
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 26 July 2016 — Lackmann Fleisch- und Feinkostfabrik v EUIPO (медведь)

(Case T-432/16)

(2016/C 364/22)

Language of the case: German

Parties

Applicant: Lackmann Fleisch- und Feinkostfabrik GmbH (Bühl, Germany) (represented by: A. Lingenfelser, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU figurative mark including the word element ‘медведь’ — Application No 14 397 921

Contested decision: Decision of the First Board of Appeal of EUIPO of 17 May 2016 in Case R 240/2016-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and grant the applicant's application for registration of the trade mark at issue.

Plea in law

- The trade mark at issue is not descriptive and has distinctive character.

Action brought on 5 August 2016 — Souruh v Council**(Case T-440/16)**

(2016/C 364/23)

*Language of the case: French***Parties**

Applicant: Souruh SA (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 its action, the applicant raises five pleas in law which are, in essence, identical or similar to those raised in Case T-411/16, *Syriatel Mobile Telecom v Council*.

Action brought on 5 August 2016 — Tetra Pharm (1997) v EUIPO — Sebapharma (SeboCalm)**(Case T-441/16)**

(2016/C 364/24)

*Language in which the application was lodged: English***Parties**

Applicant: Tetra Pharm (1997) Ltd (Tel Aviv, Israel) (represented by: A. Gorzkiewicz, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Sebapharma GmbH & Co. KG (Boppard, Germany)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant