

Details of the proceedings before EUIPO

Trade mark at issue: European Union word mark 'Beste Freundin' — Application for registration No 14 169 916

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 26 May 2016 in Case R 96/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs including the costs incurred in the course of the appeal proceedings.

Plea in law

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

Action brought on 5 August 2016 — Arrigoni v EUIPO — Arrigoni Formaggi (Arrigoni Valtaleggio)

(Case T-454/16)

(2016/C 364/30)

Language in which the application was lodged: Italian

Parties

Applicant: Arrigoni SpA (Rome, Italy) (represented by: P. Di Gravio, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Arrigoni Formaggi SpA (Bergamo, Italy)

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: International registration designating the European Union in respect of the figurative mark containing the word element 'Arrigoni Valtaleggio' — International registration designating the European Union No 1 028 737

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of EUIPO of 19 May 2016 in Case R 2922/2014-1

Form of order sought

The applicant claims that the Court should:

- uphold the action and, accordingly, declare the contested decision invalid and/or inexistent on the following grounds, remitting, if appropriate, the case to the decision-making bodies of EUIPO or declaring the first decision No C 406 A of 17 April 2013 valid and final;

- in any event, declare Arrigoni Battista SpA's application No 1 028 737 to be invalid in its entirety, on the basis of the following infringements of law.

Pleas in law

- Infringement of Article 8(2)(a) of Regulation No 207/2009;
- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark;
- Infringement of the European Constitutional Charter;
- Infringement of Article II-77 Right to property;
- Infringement of Articles 76 and 87 of the Constitution;
- Infringement of Law No 273 of 12 December 2002;
- Infringement of the Italian Industrial Property Code, Legislative Decree No 30 of 10 February 2005 and subsequent amendments: Article 7, Article 12.B, C and G, Article 13(1), Article 16.1, Article 20, Article 22(1) and (2);
- Such further ruling as may be necessary, including with regard to payment of the costs, made without prejudice to any existing rights.

Action brought on 16 August 2016 — Aldi Einkauf v EUIPO — Schwamm & Cie. (Le Coq de France)**(Case T-457/16)**

(2016/C 364/31)

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

Applicant: Aldi Einkauf GmbH & Co. OHG (Essen, Germany) (represented by: N. Lützenrath, U. Rademacher, C. Fürsen and N. Bertram, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Schwamm & Cie. (Saarbrücken, Germany)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'Le Coq de France' — Application No 10 882 331

Proceedings before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 15 June 2016 in Case R 1786/2015-4

Form of order sought

The applicant claims that the Court should:

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

Plea in law

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