

Action brought on 7 October 2016 — Luxottica Group v EUIPO — Chen (BeyBeni)**(Case T-721/16)**

(2016/C 454/53)

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

Applicant: Luxottica Group S.p.A. (Milan, Italy) (represented by: E.M. Ochoa Santamaría and I. Aparicio Martínez, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Xian Chen (Wenzhou, China)

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: European Union figurative mark containing the word element 'BeyBeni' — Application for registration No 12 511 317

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 8 June 2016 in Case R 675/2015-5

Form of order sought

The applicant claims that the Court should:

- uphold the application by annulling the decision of the Fifth Board of Appeal of EUIPO of 8 June 2016 in Case R 675/2015-5 and by refusing registration of the EU trade mark No 12 511 317 'BeyBeni' pursuant to the provisions of Article 8(5) of Regulation No 207/2009;
- order the defendant to pay the costs.

Pleas in law

- Infringement of Article 8(5) of Regulation No 207/2009 in respect of the analysis of the conditions for its application.
- Infringement of Articles 63(2) and 75 of Regulation No 207/2009 in respect of a possible infringement of the right of the defence and the right to be heard at the appeal stage.

Action brought on 20 October 2016 — Valencia Club de Fútbol v Commission**(Case T-732/16)**

(2016/C 454/54)

*Language of the case: Spanish***Parties**

Applicant: Valencia Club de Fútbol, SAD (Valencia, Spain) (represented by: J.R. García-Gallardo Gil-Fournier and A. Guerrero Righetto, lawyers)

Defendant: European Commission