

— order EUIPO to pay the costs of the proceedings.

#### **Plea in law**

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

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### **Action brought on 21 November 2016 — Barmenia Krankenversicherung v EUIPO (Mediline)**

**(Case T-810/16)**

(2017/C 022/66)

*Language of the case: German*

#### **Parties**

*Applicant:* Barmenia Krankenversicherung a.G. (Wuppertal, Germany) (represented by: M. Graf, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

#### **Details of the procedure before EUIPO**

*Mark at issue:* EU word mark 'Mediline' — EU trade mark No 14 655 385

*Contested decision:* decision of the First Board of Appeal of EUIPO of 8 September 2016 in Case R 2437/2015-1

#### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order the defendant to pay the costs of the proceedings.

#### **Pleas in law**

- infringement of Article 7(1)(b) of Regulation No 207/2009;
- infringement of Article 7(1)(c) of Regulation No 207/2009.

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### **Action brought on 21 November 2016 — Vans v EUIPO — Deichmann (V)**

**(Case T-817/16)**

(2017/C 022/67)

*Language in which the application was lodged: German*

#### **Parties**

*Applicant:* Vans, Inc. (Wilmington, Delaware, United States) (represented by: M. Hirsch, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Deichmann SE (Essen, Germany)

#### **Details of the procedure before EUIPO**

*Party applying for the mark:* Applicant

*Mark at issue:* EU figurative mark (Representation of a 'V') — Application No 10 263 978

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 19 September 2016 in Case R 2030/2015-4

### **Form of order sought**

The applicant claims that the Court should:

- amend the contested decision by rejecting the opposition in its entirety;
- in the alternative, amend the contested decision by declaring that the opposition is also rejected for the goods 'Goods made of leather or imitations of leather; trunks and travelling bags; umbrellas; parasols and walking sticks; wallets; bags and pouches; rucksacks; belt bags; briefcases; school satchels; school satchels for sport; beach bags; keyrings; hip bags; card cases' in Class 18 and 'Clothing, footwear, headgear; belts; gloves' in Class 25;
- in the further alternative, annul the contested decision;
- order EUIPO to pay the costs of the proceedings.

### **Pleas in law**

- infringement of Rule 19(2) and (3) and Rule 20(1) of Regulation No 2868/95;
- infringement of Article 8(1)(b) of Regulation No 207/2009;
- infringement of the first sentence of Article 60, Article 63(2) and the first sentence of Article 75 of Regulation No 207/2009 and of the principle of *reformatio in peius* as well as of the right to be heard.

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**Action brought on 21 November 2016 — KiK Textilien und Non-Food v EUIPO — FF Group  
Romania (\_kix)  
(Case T-822/16)  
(2017/C 022/68)**

*Language in which the application was lodged: German*

### **Parties**

*Applicant:* KiK Textilien und Non-Food GmbH (Bönen, Germany) (represented by: S. Körber and L. Pechan, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* FF Group Romania SRL (Bucharest, Romania)

### **Details of the procedure before EUIPO**

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

*Mark at issue:* EU figurative mark with the word element '\_kix' — EU trade mark No 12 517 901

*Procedure before EUIPO:* opposition proceedings

*Contested decision:* decision of the Fourth Board of Appeal of EUIPO of 6 September 2016 in Case R 2323/2015-4