

*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

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order the defendant and, if appropriate, the other party to the proceedings before the Board of Appeal to pay the costs of the proceedings, including those incurred in the proceedings before the Board of Appeal.

**Pleas in law**

- infringement of the first sentence of Article 75 of Regulation No 207/2009;
- infringement of Article 42(2) and (3), in conjunction with Article 15, of Regulation No 207/2009.

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**Action brought on 21 November 2016 — Kiosked Oy v EUIPO — VRT, NV van Publiek Recht (k)**

**(Case T-824/16)**

(2017/C 022/69)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Kiosked Oy Ab (Espoo, Finland) (represented by: L. Laaksonen, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* VRT, NV van Publiek Recht (Brussels, Belgium)

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* International registration designating the European Union in respect of the figurative mark in black and white containing the word element 'K' — International registration designating the European Union No 1 112 969

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 19 September 2016 in Case R 279/2016-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision of the Fourth Board of Appeal of the European Union Intellectual Property Office ('EUIPO') of 21 September 2016, in case No. R0279/2016-4 to accept the opposition by VRT, NV van publiek recht and reject the registration of International registration designating European No W01112969 K (fig.) (hereinafter the 'K LOGO') for the following services in classes 35 'Advertising, business management, business administration, office functions' and 42 'Design and development of computer software' and allows the K LOGO to proceed for registration for the above said services;
- order the Opponent to bear all the Appellant's costs of the opposition proceedings, including the costs of legal representation, in accordance with the cost specification to be submitted by the Appellant within the deadline referred to in Article 85 of EUTMR, and should such specification fail to be submitted, in accordance with the relevant legislation.