

- impose the costs to EUIPO and, in case ANIL K SHARMA decides to intervene in the present proceedings, to ANIL K. Sharma.

#### **Plea in law**

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

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### **Action brought on 23 December 2016 — Hesse v EUIPO — Wedl & Hofmann (TESTA ROSSA)**

**(Case T-910/16)**

(2017/C 053/53)

*Language in which the application was lodged: German*

#### **Parties**

*Applicant:* Kurt Hesse (Nuremberg, Germany) (represented by: M. Krogmann, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Wedl & Hofmann GmbH (Mils/Hall in Tirol, Austria)

#### **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:* EU figurative mark containing the word elements 'TESTA ROSSA' –EU trade mark No 7 070 519

*Proceedings before EUIPO:* Revocation proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 5 October 2016 in Case R 68/2016-1

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

The applicant claims that the Court should:

- annul the contested decision and also declare EU trade mark No 7 070 519 revoked in respect of the following goods:
- Class 21 — Household and kitchen containers; Glassware, Porcelain, in particular tableware; Glass beverage ware;
  - Class 25 — Clothing, namely aprons, shirts, polo shirts and t-shirts; Headgear;
- order EUIPO to pay the costs.

#### **Plea in law**

- Infringement of Article 51(1)(a) of Regulation No 207/2009.

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### **Action brought on 23 December 2016 — Wedl & Hofmann v EUIPO — Hesse (TESTA ROSSA)**

**(Case T-911/16)**

(2017/C 053/54)

*Language in which the application was lodged: German*

#### **Parties**

*Applicant:* Wedl & Hofmann GmbH (Mils/Hall in Tirol, Austria) (represented by: T. Raubal, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Kurt Hesse (Nuremberg, Germany)

### **Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* EU figurative mark containing the word elements 'TESTA ROSSA' — EU trade mark No 7 070 519

*Proceedings before EUIPO:* Revocation proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 5 October 2016 in Case R 68/2016-1

### **Form of order sought**

The applicant claims that the Court should:

- annul or amend the contested decision in so far as it dismissed the applicant's appeal and declared the applicant's mark to be revoked in respect of Classes 7, 11, 20, parts of Classes 21 and 25, Class 28, parts of Class 30, and Classes 34 and 38, and in so far as it confirmed the decision of the Cancellation Division of 17 November 2015 in that regard (however, the part of the contested decision upholding the applicant's appeal remains unchallenged by the applicant);
- order EUIPO to pay the costs.

### **Pleas in law**

- Infringement of Article 51(1) of Regulation No 207/2009;
- Infringement of Article 15(1)(a) of Regulation No 207/2009;
- Infringement of Rule 40(5) of Regulation No 2868/95, in conjunction with Rule 22(3) and (4) thereof.

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**Action brought on 2 January 2017 — La Mafia Franchises v EUIPO — Italy (La Mafia SE SIENTA A LA MESA)**

**(Case T-1/17)**

(2017/C 053/55)

*Language in which the application was lodged: English*

### **Parties**

*Applicant:* La Mafia Franchises, SL (Zaragoza, Spain) (represented by I. Sempere Massa, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Republic of Italy

### **Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* EU figurative mark containing the word elements 'La Mafia SE SIENTA A LA MESA' — EU trade mark No 5 510 921