

5. Fifth plea in law, alleging that the penalty is disproportionate.

Action brought on 24 August 2017 — Mas Que Vinos Global v EUIPO — JESA (EL SEÑORITO)

(Case T-576/17)

(2017/C 357/34)

Language in which the application was lodged: Spanish

Parties

Applicant: Mas Que Vinos Global, SL (Dobarrios, Spain) (represented by: M. Sanmartín Sanmartín, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Jose Estevez, SA (JESA) (Jerez de la Frontera, Spain)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant

Trade mark at issue: European Union word mark 'EL SEÑORITO' — Application for registration No 13 502 166

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 9 June 2017 in Case R 1775/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to bear its own costs and to pay the applicant's costs.

Pleas in law

- Infringement of Articles 42, 60, 63, 75 and 76 of Regulation No 207/2009 and of Article 8(1)(b) of that regulation.

Action brought on 4 September 2017 — Demp v EUIPO (Representation of the colours grey and yellow)

(Case T-595/17)

(2017/C 357/35)

Language of the case: German

Parties

Applicant: Demp BV (Vianen, Netherlands) (represented by: C. Gehweiler, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Colour mark (Representation of the colours grey and yellow) — Application for registration No 15 439 987

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 10 July 2017 in Case R 1624/2016-5