

Action brought on 2 October 2017 — Khadi and Village Industries Commission v EUIPO — BNP Best Natural Products (Khadi)

(Case T-681/17)

(2017/C 402/68)

Language in which the application was lodged: English

Parties

Applicant: Khadi and Village Industries Commission (Mumbai Maharashtra, India) (represented by: J. Guise, N. Rose and V. Ellis, Solicitors)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: BNP Best Natural Products GmbH (Munich, Germany)

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 word mark 'Khadi' — EU trade mark No 10 479 954

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 30 June 2017 in Case R 2083/2016-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and find that the contested EUTM is invalid;
- make an award of costs in the favour of the applicant.

Pleas in law

- Infringement of Article 76(2) of Regulation No 207/2009;
- The Board of Appeal distorted the evidence;
- Infringement of Articles 7(1)(g) and 52(1)(a) of Regulation No 207/2009;
- Infringement of Articles 7(1)(i) and 52(1)(a) of Regulation No 207/2009;
- Infringement of Article 52(1)(b) of Regulation No 207/2009.

Action brought on 2 Octobre 2017 — Khadi and Village Industries Commission v EUIPO — BNP Best Natural Products (khadi Naturprodukte aus Indien)

(Case T-682/17)

(2017/C 402/69)

Language in which the application was lodged: English

Parties

Applicant: Khadi and Village Industries Commission (Mumbai Maharashtra, India) (represented by: J. Guise, N. Rose, V. Ellis, Solicitors)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: BNP Best Natural Products GmbH (Munich, Germany)