

Details of the proceedings before the CPVO

Proprietor of the contested plant varieties: Other party to the proceedings before the Board of Appeal

Plant variety at issue: Plant variety right for the apple variety 'PINOVA' — Certificate No EU 1298

Procedure before the CPVO: Nullity proceedings

Contested decision: Decision of the Board of Appeal of the CPVO of 16 August 2017 in Case A005/2016

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order the CPVO to pay the costs.

Plea in law

- Infringement of Article 20(1)(a), in conjunction with Articles 10 and 116(1), of Regulation No 2100/94.

Action brought on 23 November 2017 — Eglo Leuchten v EUIPO — Di-Ka (Design for lights)

(Case T-766/17)

(2018/C 022/76)

Language in which the application was lodged: German

Parties

Applicant: Eglo Leuchten GmbH (Pill, Austria) (represented by: H. Lauf, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Di-Ka Vertriebs GmbH & Co. KG (Arnsberg, Germany)

Details of the proceedings before EUIPO

Proprietor of the contested design: Other party to the proceedings before the Board of Appeal

Design at issue: Community design No 2 435 768-0033

Contested decision: Decision of the Third Board of Appeal of EUIPO of 26 September 2017 in Case R 738/2016-3

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Plea in law

- Infringement of Article 6(1)(b) and Article 6(2) of Regulation No 6/2002.
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