

— order EUIPO to bear the costs.

Pleas in law

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

Action brought on 24 January 2018 — Ecolab USA v EUIPO (SOLIDPOWER)

(Case T-40/18)

(2018/C 104/63)

Language of the case: English

Parties

Applicant: Ecolab USA, Inc. (Wilmington, Delaware, United States) (represented by: V. Töbelmann and K. Middelhoff, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the word mark 'SOLIDPOWER' — Application for registration No 1 310 671

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 9 November 2017 in Case R 1182/2017-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to bear its own costs as well as the costs of the Applicant.

Pleas in law

— Infringement of Articles 7(1)(b), 7(1)(c) and Article 7(2) of Regulation No 2017/1001.

Action brought on 24 January 2018 — Rietze v EUIPO — Volkswagen (Voitures)

(Case T-43/18)

(2018/C 104/64)

Language in which the application was lodged: German

Parties

Applicant: Rietze GmbH & Co. KG (Altdorf, Germany) (represented by: M. Krogmann, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Volkswagen AG (Wolfsburg, Germany)

Details of the proceedings before EUIPO

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

Design at issue: European Union design No 5467-0001

Contested decision: Decision of the Third Board of Appeal of EUIPO of 21 November 2017 in Case R 1204/2016-3

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Third Board of Appeal of EUIPO and declare EU design No 5467-0001 invalid;
- order EUIPO to pay the costs of the proceedings.

Pleas in law

- Infringement of Article 4(1), in conjunction with Article 6(1)(b), of Regulation No 6/2002.

Action brought on 29 January 2018 — Novenco Building & Industry v EUIPO — Novenco Ventilator (Beijing) (NOVENCO)

(Case T-45/18)

(2018/C 104/65)

Language in which the application was lodged: English

Parties

Applicant: Novenco Building & Industry A/S (Næstved, Denmark) (represented by: A. Rasmussen, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Novenco Ventilator (Beijing) Co. Ltd (Beijing, China)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: International registration designating the European Union in respect of the figurative sign 'NOVENCO' – International registration designating the European Union No 1 187 938

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 7 November 2017 in Case R 2354/2016-2

Form of order sought

The applicant claims that the Court should:

- partly annul the contested decision, namely for the goods of class 7 as covered by IR 1187938;
- order EUIPO to bear its own costs as well as the third party's costs, including those incurred during the appeal and opposition proceedings.