

Trade mark at issue: European Union word mark ARUBA — European Union trade mark No 14 421 598

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 25 March 2021 in Case R 259/2020-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs incurred by the applicant in these proceedings;
- order Aruba S.p.A. to pay the costs incurred by the applicant in these proceedings.

Plea in law

- Infringement of Article (8)(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council with respect to the assessment of the similarities between the conflicting signs.

Action brought on 23 June 2021 — Plusmusic v EUIPO — Groupe Canal + (+music)

(Case T-344/21)

(2021/C 329/45)

Language of the case: English

Parties

Applicant: Plusmusic AG (Dietikon, Suisse) (represented by: M. Maier and A. Spieß, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Groupe Canal + (Issy-les-Moulineaux, France)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the General Court

Trade mark at issue: European Union figurative mark +music — Application for registration No 17 482 571

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 16 April 2021 in Case R 1236/2020-5

Form of order sought

The applicant claims that the Court should:

- partially annul the contested decision insofar as it confirms the other party's opposition on the basis of Article 8(1)(b) EURMR;
- order EUIPO and the other party to bear their own costs and pay those of the Applicant.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council by erroneously assessing the visual comparison of the signs;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council by erroneously assessing the distinctiveness of the earlier cross device marks;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council by erroneously assessing the likelihood of confusion.

**Action brought on 23 June 2021 — Hewlett Packard Enterprise Development v EUIPO — Aruba
(ARUBA NETWORKS)**

(Case T-345/21)

(2021/C 329/46)

Language of the case: English

Parties

Applicant: Hewlett Packard Enterprise Development LP (Houston, Texas, United States) (represented by: P. Roncaglia and N. Parrotta, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Aruba SpA (Bibbiena, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court

Trade mark at issue: International registration designating the European Union in respect of the word mark ARUBA NETWORKS — International registration designating the European Union No 1 198 196

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 29 March 2021 in Case R 1473/2020-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs incurred by the applicant in these proceedings;
- order Aruba S.p.A. to pay the costs incurred by the applicant in these proceedings.

Plea in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council with respect to the assessment of the similarities between the conflicting signs.
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