

— order the payment of the costs incurred by the applicant in connection with this appeal.

Pleas in law

— Infringement of Articles 8(5), 8(4) and 8(1)(b) of Regulation No 207/2009.

Action brought on 22 March 2016 — Tulliallan Burlington v EUIPO — Burlington Fashion (BURLINGTON)

(Case T-123/16)

(2016/C 175/31)

Language in which the application was lodged: English

Parties

Applicant(s): Tulliallan Burlington Ltd (St Helier, Jersey) (represented by: A. Norris, Barrister)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Burlington Fashion GmbH (Schmallenberg, Germany)

Details of the proceedings before EUIPO

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: International registration designating the European Union in respect of the mark word mark 'Burlington'
— International registration designating the European Union No 982 020

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 11 January 2016 in Case R 1635/2013-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and reject the contested mark in respect of all of the contested goods;

— order the payment of the costs incurred by the applicant in connection with this appeal.

Pleas in law

— Infringement of Articles 8(5), 8(4) and 8(1)(b) of Regulation No 207/2009.
