

Plea in law

— Infringement of Article 7(1)(b) of Regulation No 207/2009.

Action brought on 21 November 2017 — Septona v EUIPO — Intersnack Group (welly)
(Case T-763/17)
(2018/C 022/74)

Language in which the application was lodged: English

Parties

Applicant: Septona AVEE (Oinofyta, Greece) (represented by: V. Wellens, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Intersnack Group GmbH & Co. KG (Düsseldorf, Germany)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark containing the word element 'welly' — Application for registration No 13 085 519

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 12 July 2017 in Case R 1525/2016-1

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

**Action brought on 23 November 2017 — Kiku v CPVO — Sächsisches Landesamt für Umwelt,
Landwirtschaft und Geologie (Pinova)**

(Case T-765/17)
(2018/C 022/75)

Language in which the application was lodged: German

Parties

Applicant: Kiku GmbH (Girland, Italy) (represented by: G. Würtenberger and R. Kunze, lawyers)

Defendant: Community Plant Variety Office (CPVO)

Other party to the proceedings before the Board of Appeal: Sächsisches Landesamt für Umwelt, Landwirtschaft und Geologie (Dresden, Germany)

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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