

- Infringement of Part IV of the CPVO apple test protocol;
- Infringement of the second sentence of Article 75 of Regulation No 2100/94 — Right to a hearing;
- Infringement of the first sentence of Article 75 of Regulation No 2100/94 — Incomplete statement of reasons.

---

**Action brought on 22 April 2016 — Policolor v EUIPO — CWS-Lackfabrik Conrad W. Schmidt (Policolor)**

**(Case T-178/16)**

(2016/C 211/80)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Policolor SA (Bucharest, Romania) (represented by: M. Comanescu, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* CWS-Lackfabrik Conrad W. Schmidt GmbH & Co. KG (Düren-Merken, 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 'Policolor' — Application for registration No 10 277 176

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 29 January 2016 in Case R 346/2015-1

**Form of order sought**

The applicant claims that the Court should:

- alter the contested decision in its entirety;
- in consequence, annul the contested decision;
- annul the decision of the Opposition Division of EUIPO of 16 December 2014 in opposition No B 1 991 457;
- dismiss the opposition made by the intervener with regard to the registration of the European Union trade mark No 10 277 176;
- order EUIPO and the other party to the proceedings before the Board of Appeal of EUIPO to pay the costs, including those incurred during the procedure before the Board of Appeal.

**Pleas in law**

- Infringement of Art. 8(1)(b) of Regulation No 207/2009
  - Infringement of Article 75(1) of Regulation No. 2015/2424.
-