

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging an error in law and a manifest error of assessment regarding the application of a general presumption in reaction to the exception for the protection of the purpose of EU investigations. The applicant puts forward the following errors:
 - the Commission's error in law regarding the application of the general exceptions;
 - the Commission's error in law regarding the protection of the purpose of investigations;
 - the Commission's error in law and manifest error of assessment regarding the assessment of the overriding public interest of ensuring an effective judicial review (Article 47 of the Charter of Fundamental Rights of the European Union); and
 - the Commission's error in law regarding the application of the fundamental right of access to documents (Article 42 of the Charter of Fundamental Rights of the European Union).
2. Second plea in law, alleging an error in law and a manifest error of assessment regarding the application of the exception for the protection of commercial interests.
3. Third plea in law, alleging a failure to state reasons regarding the refusal of access to a non-confidential version or an on-site access to the documents.

Action brought on 6 August 2015 — Trinity Haircare v OHIM — Advance Magazine Publishers (VOGUE)

(Case T-453/15)

(2015/C 320/64)

Language in which the application was lodged: English

Parties

Applicant: Trinity Haircare AG (Herisau, Switzerland) (represented by: J. Kroher and K. Bach, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Other party to the proceedings before the Board of Appeal: Advance Magazine Publishers, Inc. (New York, United States)

Details of the proceedings before OHIM

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

Trade mark at issue: Community figurative mark in black and white containing the word element 'VOGUE' — Community trade mark No 9 944 547

Procedure before OHIM: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 27 May 2015 in Case R 2426/2014-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and declare the CTM No 009 944 547 VOGUE invalid;
- order OHIM and the other party to the proceeding before the Board of Appeal to pay the costs of the proceeding.

Pleas in law

- Infringement of Article 7(1)(c) of Regulation No 207/2009;
- Infringement of Article 7(1)(b) of Regulation No 207/2009;
- Infringement of Article 52(1)(b) of Regulation No 207/2009.

Action brought on 10 August 2015 — Laboratorios Ern v OHIM — Werner (Dynamic Life)

(Case T-454/15)

(2015/C 320/65)

Language in which the application was lodged: English

Parties

Applicant: Laboratorios Ern, SA (Barcelona, Spain) (represented by: M. Pérez Serres, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Other party to the proceedings before the Board of Appeal: Matthias Werner (Neufahrn, Germany)

Details of the proceedings before OHIM

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

Trade mark at issue: Community figurative mark in white, red, orange, yellow, green and blue purple containing the word elements 'Dynamic Life' — Application for registration No 11 303 468

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 27 May 2015 in Case R 441/2014-4

Form of order sought

The applicant claims that the Court should:

- revoke the contested decision and reject the CTM No 011303468 DYNAMIC LIFE & design in classes 5 and 32;
- order OHIM and Mr. Matthias Werner, in case he decides to intervene, to pay the costs.