

Action brought on 17 January 2017 — LA Superquímica v EUIPO — D-Tack (D-TACK)

(Case T-24/17)

(2017/C 086/39)

*Language in which the application was lodged: English***Parties**

Applicant: LA Superquímica, SA (Barcelona, Spain) (represented by: A. Canela Giménez, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: D-Tack GmbH (Hüttlingen, Germany)

Details of the proceedings before EUIPO

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

Trade mark at issue: EU word mark 'D-TACK' — Application for registration No 9 650 847

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 15 November 2016 in Case R 1983/2015-4

Form of order sought

The applicant claims that the Court should:

- annul the EUIPO decision dated 15/11/2016;
- order EUIPO and those who oppose this request to pay the costs.

Pleas in law

- The Board of Appeal failed to consider Sitadex extracts concerning Spanish trade mark registration Nos: 2515958, 2516679, 2542249, 2591412 and 2668711 submitted by the applicant;
- The Board of Appeal failed to consider the proof of use submitted by the applicant.

Action brought on 19 January 2017 — Habermäß v EUIPO — Here Global (h)

(Case T-40/17)

(2017/C 086/40)

*Language in which the application was lodged: English***Parties**

Applicant: Habermäß GmbH AG (Bad Rodach, Germany) (represented by: U. Blumenröder, H. Gauß and E. Bertram, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Here Global BV (Eindhoven, The Netherlands)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant