

Action brought on 15 May 2017 — Lion's Head Global Partners v EUIPO — Lion Capital (LION'S HEAD global partners)

(Case T-310/17)

(2017/C 231/62)

Language in which the application was lodged: German

Parties

Applicant: Lion's Head Global Partners LLP (London, United Kingdom) (represented by: R. Nöske, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Lion Capital LLP (London, United Kingdom)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark including the word elements 'LION'S HEAD global partners' — International registration No 996 979

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 28 February 2017 in Case R 1477/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 28 February 2017 (Case R 1477/2016-4) relating to opposition proceedings between Lion's Head Global Partners LLP and Lion Capital LLP and reject the opposition;
- order EUIPO to pay the costs.

Plea in law

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

Action brought on 19 May 2017 — Stips v Commission

(Case T-311/17)

(2017/C 231/63)

Language of the case: French

Parties

Applicant: Adolf Stips (Besozzo, Italy) (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission

Form of order sought

Declare and rule,

- principally, that the decision of the AECE of 19 August 2016 not to reclassify the applicant in grade AD 13 in the 2013 reclassification procedure is annulled;
- in the alternative, that the Commission is ordered to make good in full the harm, both pecuniary and non-pecuniary, suffered by the applicant;

— in any event, that the Commission is ordered to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, alleging an infringement of Article 266 TFEU, in that the Commission ignored the grounds for the judgment of 19 July 2016, *Stips v Commission* (F-131/15, EU:F:2016:154) and executed that judgment in bad faith, thus undermining the force of *res judicata* given absolute effect by the Civil Service Tribunal.

Action brought on 22 May 2017 — Wajos v EUIPO (Shape of a bottle)

(Case T-313/17)

(2017/C 231/64)

Language of the case: German

Parties

Applicant: Wajos GmbH (Dohr, Germany) (represented by: J. Schneiders, R. Krillke and B. Schneiders, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Three-dimensional EU trade mark (Shape of a bottle) — Application for registration No 14 886 097

Contested decision: Decision of the First Board of Appeal of EUIPO of 15 February 2017 in Case R 1526/2016-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs of the proceedings.

Plea in law

- Breach of Article 7(1)(b) of Regulation No 207/2009.

Action brought on 23 May 2017 — Nosio v EUIPO (MEZZA)

(Case T-314/17)

(2017/C 231/65)

Language of the case: Italian

Parties

Applicant: Nosio SpA (Mezzocorona, Italy) (represented by: A. Perani and J. Graffer, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'MEZZA' — Application for registration No 14 822 506

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 1 March 2017 in Case R 1518/2016-5