

3. Third plea in law, alleging breach of Articles 1, 2, 3 and 4 of Regulation No 1/58, ⁽¹⁾ breach of Articles 1d and 28 of the Staff Regulations and of Article 1(1)(f) of Annex III to those Regulations and, further, breach of the principles of equal treatment and non-discrimination.

⁽¹⁾ Regulation No. 1 of 15 April 1958 determining the languages to be used by the European Economic Community (OJ, English Special Edition 1952-1958 (I), p. 59).

Action brought on 26 February 2018 — Tomasz Kawalko Trofeum v EUIPO — Ferrero (KINDERPRAMS)

(Case T-115/18)

(2018/C 161/61)

Language in which the application was lodged: Polish

Parties

Applicant: Tomasz Kawalko Trofeum (Gdynia, Poland) (represented by: P. Moksa, legal counsel)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Ferrero SpA (Alba, Italy)

Details of the proceedings before EUIPO

Applicant: Applicant

Trade mark at issue: European Union word mark 'KINDERPRAMS' — Application for registration No 12 916 961

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 14 December 2017 in Case R 1112/2017-4

Form of order sought

The applicant claims that the Court should:

- amend the contested decision by registering KINDERPRAMS as an EU trade mark;
- order EUIPO to pay the costs.

Plea in law

Infringement of Article 8(1)(b) of Regulation 2017/1001.

Action brought on 01 March 2018 — HMV (Brands) v EUIPO — Our Price Records (OUR PRICE)

(Case T-129/18)

(2018/C 161/62)

Language in which the application was lodged: English

Parties

Applicant: HMV (Brands) Ltd (London, United Kingdom) (represented by: M. Hicks, and N. Zweck, Barristers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Our Price Records Ltd (London)

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 figurative mark containing the word elements 'OUR PRICE' — Application for registration No 13 636 998

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 15 December 2017 in Case R 838/2017-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
 - order EUIPO to pay the costs;
 - order Our Price Records Limited to pay the costs (if it intervenes in this case);
- AND EITHER
- allow HMV's opposition in its entirety
- OR
- remit the case for consideration by EUIPO in light of the annulment of the contested decision.

Plea in law

- Infringement of Article 8(4) of Regulation No 2017/1001.

Action brought on 28 February 2018 — LMP Lichttechnik Vertriebs v EUIPO (LITECRAFT)
(Case T-140/18)
(2018/C 161/63)

Language of the case: German

Parties

Applicant: LMP Lichttechnik Vertriebs GmbH (Ibbenbüren, Germany) (represented by: R. Plegge, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: European Union word mark 'LITECRAFT' — Application for registration No 15 282 635

Contested decision: Decision of the Second Board of Appeal of EUIPO of 8 January 2018 in Case R 699/2017-2

Form of order sought

The applicant claims that the Court should:

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