

2. Second plea in law, alleging infringement of the rules of Directive 2006/42/EC governing obligations to comply with essential safety requirements (Article 5(1)), the free movement of machinery (Article 6(1)), the presumption of conformity with harmonised standards (Article 7) and the safeguard procedure which may be adopted by each Member State (Article 11).

- In that regard, the applicant asserts that the Commission wrongly regarded the restrictive measure adopted by Latvia as justified. The Latvian authorities contested the alleged non-compliance of the Stiga Collector 35 EL C350 297 352 654/S13 lawnmower with the health and safety requirements listed in Annex I to Directive 2006/42/EC by reason of the fact that that machine did not comply with harmonised standard EN 60335-2-77:2010. However, at the time when the machine in question was produced and marketed by the applicant, the more developed standard EN 60335-2-77:2010 had not yet become binding as the only standard capable of giving rise to a presumption of compliance with health and safety requirements, insofar as, during the transition period established by the standard itself, the previous standard EN 60335-2-77:2006 (with which the machine in question was compliant) also remained applicable.

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**Action brought on 12 August 2015 — L'Oréal v OHIM — LR Health & Beauty Systems (LR)**

**(Case T-475/15)**

(2015/C 328/32)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* L'Oréal (Paris, France) (represented by: R. Dissmann, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* LR Health & Beauty Systems GmbH (Ahlen, Germany)

**Details of the proceedings before OHIM**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* Community figurative mark containing the word elements 'LR' — Community trade mark No 11 047 578

*Procedure before OHIM:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the First Board of Appeal of OHIM of 21 May 2015 in Case R 1143/2014-1

**Form of order sought**

The applicant claims that the Court should:

- partly annul the contested decision as far as the Board of Appeal rejects under point 2 the Plaintiff's request for proof of use of the Intervener's earlier trademarks as belated;
- order OHIM to pay the costs of the proceedings before the court as well as the appeal proceedings before the Board of Appeal.

**Plea in law**

- Infringement of Article 57(2), (3) of Regulation No 207/2009 in connection with Rule 40 of Regulation No 2868/95.
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