

Trade mark at issue: European Union figurative mark (Representation of a square in a rectangle) — European Union trade mark No 16 217 267

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 30 June 2022 in Case R 1646/2021-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- remit the case to the Cancellation Division;
- order EUIPO to pay the costs of this Application and order Klimeck to pay the costs of the proceedings before the Cancellation Division and the Board of Appeal.

Plea in law

- Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 26 September 2022 — Sophienwald v EUIPO — Zalto Glas (Sw Sophienwald)

(Case T-597/22)

(2022/C 441/31)

Language in which the application was lodged: German

Parties

Applicant: Sophienwald AG (Vaduz, Liechtenstein) (represented by: J. Hellenbrand, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Zalto Glas GmbH (Gmünd, Austria)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark Sw Sophienwald — EU trade mark No 13 448 981

Proceedings before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 25 July 2022 in Case R 2113/2021-1

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Infringement of Art 95(1) of Regulation (EU) No 2017/1001 of the European Parliament and of the Council;

- Infringement of Art 94(1) of Regulation (EU) No 2017/1002 of the European Parliament and of the Council;
- Infringement of Art 7(1)(c) of Regulation (EU) No 2017/1001 of the European Parliament and of the Council;
- Infringement of the principle of non-arbitrariness.

**Action brought on 26 September 2022 — Consultora de Telecomunicaciones Optiva Media/EUIPO —
Optiva Canada (OPTIVA MEDIA)**

(Case T-601/22)

(2022/C 441/32)

Language in which the application was lodged: English

Parties

Applicant: Consultora de Telecomunicaciones Optiva Media SL (Madrid, Spain) (represented by: C. Rivadulla Oliva, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Optiva Canada Inc. (Mississauga, Ontario, Canada)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court

Trade mark at issue: European Union figurative mark OPTIVA MEDIA (Claiming the colours 'green' and 'black') — European Union trade mark No 10 939 767

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 13 July 2022 in joined cases R 1533/2021-5 and R 1740/2021-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision.

Plea in law

- Infringement of Articles 18 and 58 through 64 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 26 September 2022 — Agus v EUIPO — Alpen Food Group (ROYAL MILK)

(Case T-603/22)

(2022/C 441/33)

Language in which the application was lodged: English

Parties

Applicant: Agus sp. z o.o. (Warsaw, Poland) (represented by: B. Wojtkowska, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Alpen Food Group BV (Weesp, Netherlands)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court