

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Incorrect assessment of the likelihood of confusion.

Action brought on 3 February 2023 — Häcker Küchen v EUIPO — Moura & Moura (MH Cuisines)

(Case T-42/23)

(2023/C 104/61)

Language in which the application was lodged: German

Parties

Applicant: Häcker Küchen GmbH & Co. KG (Rödinghausen, Germany) (represented by: F. Dehn, L. Maritzen, C. Krafft and K. Blükle, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Moura & Moura Fabricação e Comercialização de Mobiliário Lda (Sanfins de Ferreira, Portugal)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant

Trade mark at issue: Application for the EU figurative mark MH Cuisines — Application No 18 233 301

Proceedings before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 24 November 2022 in Case R 1078/2022-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and reject the defendant's opposition;
- order EUIPO to pay the costs, including the costs of the earlier appeal proceedings.

Plea in law

- Infringement of Article 8(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 7 February 2023 — W.B. Studio v EUIPO — E.Land Italy (BELFE)

(Case T-50/23)

(2023/C 104/62)

Language in which the application was lodged: English

Parties

Applicant: W.B. Studio Sas di Wivian Bodini & C. (Milano, Italy) (represented by: V. Piccarreta and G. Romanelli, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: E.Land Italy Srl (Milano, Italy)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union word mark BELFE — European Union trade mark No 139 501

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 30 November 2022 in Case R 869/2021-1

Form of order sought

The applicant claims that the Court should:

- Partially annul the contested decision to the extent it upheld the decision of the Cancellation Division and, consequently, declare the revocation of the trade mark at issue;
- Order the defendant to bear the costs of the present proceedings, including the costs deriving from the proceedings before the Cancellation Division and the First Board of Appeal.

Pleas in law

- Infringement of article 58(1)(a) in conjunction with article 18 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of article 19 of Commission Delegated Regulation (EU) 2018/625.

Action brought on 7 February 2023 — OSR Entreprises v EUIPO — Möckel and Gramann (evolver)

(Case T-51/23)

(2023/C 104/63)

Language in which the application was lodged: German

Parties

Applicant: OSR Entreprises AG (Cham, Switzerland) (represented by: U. Lüken, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other parties to the proceedings before the Board of Appeal: Mathias Möckel (Chemnitz, Germany), Torsten Gramann (Chemnitz)

Details of the proceedings before EUIPO

Proprietors of the trade mark at issue: Other parties to the proceedings before the Board of Appeal

Trade mark at issue: EU word mark evolver — EU trade mark No 3 313 335

Proceedings before EUIPO: Invalidity proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 29 November 2022 in Case R 1302/2021-5