

**Details of the proceedings before EUIPO**

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

*Trade mark at issue:* European Union word mark Goldair Tourism — European Union trade mark registration No 18 275 928

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 19 December 2022 in Case R 1385/2022-4

**Form of order sought**

The applicant claims that the Court should annul the contested decision for the part that affects the applicant, that is, for the part that accepted the cancellation request.

**Pleas in law**

- Infringement of Article 27(4) of Commission Delegated Regulation (EU) 2018/625;
- Infringement of Articles 60(1)(a) and 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 9 February 2023 — Supermac's v EUIPO — McDonald's International Property (BIG MAC)**

**(Case T-58/23)**

(2023/C 112/57)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Supermac's (Holdings) Ltd (Galway, Ireland) (represented by: V. von Bomhard and J. Fuhrmann, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* McDonald's International Property Co. Ltd (Chicago, Illinois, United States)

**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 BIG MAC — European Union trade mark registration No 62 638

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 14 December 2022 in Case R 543/2019-4

**Form of order sought**

The applicant claims that the Court should:

- annul the point 1 of the operative part of the contested decision in so far as it concerns:
  - 'foods prepared from meat and poultry products, meat sandwiches, chicken sandwiches' in Class 29 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended;

- ‘edible sandwiches, chicken sandwiches’ in Class 30;
- ‘services rendered or associated with operating restaurants and other establishments or facilities engaged in providing food and drink prepared for consumption and for drive-through facilities; preparation of carry-out foods’ in Class 42.
- alter the contested decision to the effect that McDonald’s appeal is dismissed for all goods and services with the exception of “meat sandwiches” in Class 30;
- order EUIPO and, if McDonald’s intervenes, the McDonald’s International Property Company, Ltd. to pay the costs of the proceedings.

#### **Plea in law**

- Infringement of Article 51(1)(a) of Council Regulation (EC) 207/2009.

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**Action brought on 10 February 2023 — DEC Technologies v EUIPO — Tehnoexport  
(DEC FLEXIBLE TECHNOLOGIES)**

**(Case T-59/23)**

(2023/C 112/58)

*Language in which the application was lodged: English*

#### **Parties**

*Applicant:* DEC Technologies BV (Enschede, Netherlands) (represented by: R. Brtka, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Tehnoexport d.o.o. (Indjija, Serbia)

#### **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 DEC FLEXIBLE TECHNOLOGIES — European Union trade mark No 18 194 573

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 6 December 2022 in Case R 2009/2021-5

#### **Form of order sought**

The applicant claims that the Court should:

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

#### **Plea in law**

- Infringement of Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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