

Contested decision: Decision of the Second Board of Appeal of EUIPO of 30 January 2023 in Case R 1684/2022-2

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 7(1)(b) in conjunction with Article 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 14 April 2023 — Peikko Group v EUIPO — Anstar (Shape of metal beams for construction)

(Case T-192/23)

(2023/C 189/52)

Language in which the application was lodged: English

Parties

Applicant: Peikko Group Oy (Lahti, Finland) (represented by: M. Müller and A. Fottner, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Anstar Oy (Villähde, Finland)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union tridimensional mark (Shape of metal beams for construction) — European Union trade mark No 18 139 145

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 7 February 2023 in Case R 2180/2021-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- reject the request for declaration of invalidity of the trade mark at issue;
- order the defendant and the other party to the proceedings before the Board of Appeal to bear the applicant's costs in the present procedure and in the procedure before the Board of Appeal.

Plea in law

- Infringement of Article 59(1)(a) in conjunction with Article 7(1)(e)(ii) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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