

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 19 July 2022 (Case R 297/2022-1).

Operative part of the order

1. The action is dismissed as manifestly lacking any foundation in law.
2. Each party shall bear its own costs.

(¹) OJ C 15, 16.1.2023.

Action brought on 15 May 2023 — Volvo Personvagnar v EUIPO (Shape of headlights)

(Case T-260/23)

(2023/C 296/37)

Language of the case: Swedish

Parties

Applicant: Volvo Personvagnar AB (Gothenburg, Sweden) (represented by: H.-A. Odh and E. Esaiasson, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for an EU three-dimensional mark (Shape of headlights) — Application for registration No 18 560 591

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 9 March 2023 in Case R 1129/2022-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision under Article 72 EUTMR and alter the decision in order to approve the applicant's application for registration of EU trade mark No 18 560 591;
- order the defendant, on the basis of Article 134 of the Rules of Procedure of the General Court, to pay the applicant's costs in both the proceedings before the Court and before the European Union Intellectual Property Office;
- treat the following evidence as confidential:
 - Annex A.1 — Statement by expert Aina Nilsson Ström and annex (CV)
 - Annex A.3 — Confirmation of a licence between Volvo Cars and Polestar.

Plea in law

- Infringement of Article 7(1)(b) of Regulation (EU) No 2017/1001 of the European Parliament and of the Council.
-