

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

*Other party to the proceedings before the Board of Appeal:* Valeria Converso (San Giorgio a Cremano, Italy)

### **Details of the proceedings before EUIPO**

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

*Trade mark at issue:* Application for European Union figurative mark Pherla — Application for registration No 18 319 785

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 7 February 2023 in Case R 268/2022-2

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision which was notified on 25 April 2023;
- uphold the opposition number B 3 139 093 in its entirety, and reject the contested application in respect of all the contested goods in class 5;
- in the alternative, remit the case to the Board of Appeal for re-examination;
- order EUIPO to bear the applicant's costs and expenses.

### **Pleas in law**

- Infringement of Article 94(1), first sentence, of Regulation (EU) 2017/1001 of the European Parliament and of the Council due to violation of the defendant's obligation to state reasons of its decisions, also provided in Article 41(1), (2)(c) of the Charter of Fundamental Rights of the European Union;
- Infringement of Article 94(1), second sentence, of Regulation (EU) 2017/1001 of the European Parliament and of the Council due to violation of the applicant's right to be heard, also provided in Article 41(1), (2)(a) of the Charter of Fundamental Rights of the European Union;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council due to its misapplication and therefore violation.

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**Action brought on 4 July 2023 — AC Marca Brands v EUIPO — Sanitix (Sanitix)**

**(Case T-358/23)**

(2023/C 296/44)

*Language in which the application was lodged: English*

### **Parties**

*Applicant:* AC Marca Brands, SL (Madrid, Spain) (represented by: D. Pellisé Urquiza and J. C. Quero Navarro, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Sanitix Ltd (London, United Kingdom)

### **Details of the proceedings before EUIPO**

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

*Trade mark at issue:* Application for European Union word mark Sanitix — Application for registration No 18 294 902

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 3 May 2023 in Case R 1954/2022-1

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and/or Sanitix Ltd to bear the costs of these proceedings and of the opposition and appeal proceedings before EUIPO.

### **Plea in law**

- Infringement of Article 8(1) and (5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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## **Action brought on 4 July 2023 — Société des produits Nestlé v EUIPO — Amigiütos pets & life (THE ONLY ONE by alphaspirt wild and perfect)**

**(Case T-359/23)**

(2023/C 296/45)

*Language in which the application was lodged: English*

### **Parties**

*Applicant:* Société des produits Nestlé SA (Vevey, Switzerland) (represented by: A. Jaeger-Lenz and C. Elkemann, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Amigiütos pets & life, SA (Lorca, Spain)

### **Details of the proceedings before EUIPO**

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

*Trade mark at issue:* Application for European Union trade mark THE ONLY ONE by alphaspirt wild and perfect in colours white, red and black — Application for registration No 15 385 719

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 30 March 2023 in Case R 424/2020-2

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order the EUIPO to pay the costs of the proceeding before the General Court and order the potential intervener (Amigiütos pets and life, SA) to pay the costs before the EUIPO.