



C/2023/30

9.10.2023

Action brought on 7 August 2023 — Małgorzata Marcinkowska-Dec v EUIPO — Ismailova (DESSI)

(Case T-472/23)

(C/2023/30)

Language in which the application was lodged: English

Parties

Applicant: Małgorzata Marcinkowska-Dec (Kraków, Poland) (represented by: A. Witońska-Pakulska, lawyer)

Defendant: European Union Intellectual Property Office

Other party to the proceedings before the Board of Appeal: Aza Ismailova (Herselt, Belgium)

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 DESSI — European Union trade mark No 18 116 969

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 31 March 2023 in Case R 1738/2022-2

Form of order sought

The applicant claims that the Court should:

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

Plea in law

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