



C/2024/755

22.1.2024

Action brought on 23 November 2023 — Lotus Bakeries v EUIPO (Combination of colours red and white)

(Case T-1096/23)

(C/2024/755)

Language of the case: English

Parties

Applicant: Lotus Bakeries (Lembeke, Belgium) (represented by: C. Gommers, lawyer)

Defendant: European Union Intellectual Property Office

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union trade mark (Colour representing the combination of colours red and white) — Application for registration No 18 659 684

Contested decision: Decision of the First Board of Appeal of EUIPO of 21 September 2023 in Case R 730/2023-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- refers the trade mark at issue back to the EUIPO for examination;
- order EUIPO to pay the costs including the costs in the proceedings before the First Board of Appeal.

Pleas in law

- Infringement of Articles 4 and 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 94 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the principles of proportionality and of equal treatment.