

- annul the decision of the Opposition Division of EUIPO of 7 August 2015, which upheld the opposition against all the products in class 33: ‘alcoholic beverages (except beers)’ by refusing the Community trade mark for all the contested goods;
- alter earlier decisions by granting registration of the mark to the applicant for all the goods in class 33;
- order EUIPO to pay the costs of this action.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009 and of the case-law arising from cases similar to the present case.

Action brought on 14 November 2016 — Jean Patou Worldwide v EUIPO — Emboga (HISPANITAS JOY IS A CHOICE)

(Case T-808/16)

(2017/C 014/64)

Language in which the application was lodged: English

Parties

Applicant: Jean Patou Worldwide Ltd (Watford, United Kingdom) (represented by: S. Baran, Barrister)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Emboga, SA (Petrel, Spain)

Details of the proceedings before EUIPO

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: EU figurative mark containing the word elements ‘HISPANITAS JOY IS A CHOICE’ — Application for registration No 12 789 971

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 23 June 2016 in Case R 235/2016-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to the proceedings to pay the costs, including those incurred by the applicant before the Office.

Plea in law

- Infringement of Articles 8(1)(b) and 8(5) of Regulation No 207/2009.
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