

Action brought on 10 July 2017 — Fruit of the Loom v EUIPO — Takko (FRUIT)**(Case T-424/17)**

(2017/C 318/19)

*Language in which the application was lodged: English***Parties**

Applicant: Fruit of the Loom, Inc. (Bowling Green, Kentucky, United States) (represented by: S. Malynicz, QC and V. Marsland, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Takko Holding GmbH (Telgte, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'FRUIT' — EU trade mark No 5 077 508

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 25 April 2017 in Case R 2119/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and other party to bear their own costs and pay those of the applicant.

Pleas in law

- Infringement of Article 15(1) of Regulation No 207/2009;
- Infringement of Article 65(6) of Regulation No 207/2009.

Action brought on 12 July 2017 — younique v EUIPO — Jafer Enterprises R&D (younique products)**(Case T-434/17)**

(2017/C 318/20)

*Language in which the application was lodged: Spanish***Parties**

Applicant: younique LLC (Utah, United States) (represented by: M. Edenborough, QC)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Jafer Enterprises R&D, SLU (Granollers, Spain)

Details of the proceedings before EUIPO

Party applying for the trade mark in question: Applicant

Trade mark in question: European Union figurative mark containing the word elements 'younique products' — Application for registration No 1 191 504

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 25 April 2017 in Case R 1564/2016-2