

Action brought on 25 September 2019 – Sun Stars & Sons v EUIPO – Carpathian Springs (Shape of a bottle)**(Case T-637/19)**

(2019/C 399/99)

*Language of the case: English***Parties***Applicant:* Sun Stars & Sons Pte Ltd (Singapore, Singapore) (represented by: M. Maček, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Carpathian Springs SA (Vatra Dornei, Romania)**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 tridimensional mark (Shape of a bottle) – Application for registration No 14 979 959*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 6 August 2019 in Case R 317/2018-4**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to bear its own costs and to pay those incurred to Sun Stars & Sons Pte Ltd.

Pleas in law

- Infringement of Article 95(1) 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 and Article 296 of the Treaty on the Functioning of the European Union;
 - Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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