

**Action brought on 3 January 2020 – Laboratorios Ern v EUIPO – Bio-tec Biologische Naturverpackungen (BIOPLAST BIOPLASTICS FOR A BETTER LIFE)**

**(Case T-2/20)**

(2020/C 68/63)

*Language of the case: English*

### **Parties**

*Applicant:* Laboratorios Ern, SA (Barcelona, Spain) (represented by: S. Correa Rodríguez, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Bio-tec Biologische Naturverpackungen GmbH & Co. KG (Emmerich, Germany)

### **Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Other party to the proceedings before the Board of Appeal

*Trade mark at issue:* International registration designating the European Union in respect of the figurative mark BIOPLAST BIOPLASTICS FOR A BETTER LIFE – International registration designating the European Union No 1 202 538

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 10 October 2019 in Case R 418/2019-5

### **Form of order sought**

The applicant claims that the Court should:

- revoke the contested decision;
- order the defendant and, in case Bio-tec Biologische Naturverpackungen GmbH & Co. KG decides to intervene in the present proceedings, Bio-tec Biologische Naturverpackungen GmbH & Co. KG to pay the costs.

### **Plea in law**

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