

Plea in law

- Misapplication of Articles 47(5) and 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 12 April 2021 — IN.PRO.DI v EUIPO — Aiello (CAPRI)**(Case T-203/21)**

(2021/C 217/80)

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

Applicant: IN.PRO.DI — Inghirami produzione distribuzione SpA (Milan, Italy) (represented by: V. Piccarreta, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Antonino Aiello (Naples, Italy)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant before the Board of Appeal

Trade mark at issue: Application for EU word mark CAPRI — Application for registration No 13 768 197

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 3 February 2021 in Case R 49/2020-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and, consequently, as a correction of the decision of the Opposition Division of 12 November 2019, declare that the opposition against the application for registration of European trade mark No 13 768 197 is rejected in its entirety, and thus the application for registration granted in its entirety;
- order A. Aiello to pay the costs in relation to all of the proceedings.

Plea in law

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

Action brought on 14 April 2021 — Stryker v EUIPO (RUGGED)**(Case T-204/21)**

(2021/C 217/81)

*Language of the case: English***Parties**

Applicant: Stryker Corp. (Kalamazoo, Michigan, United States) (represented by: I. Fowler, I. Junkar, and B. Worbes, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the word mark RUGGED

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 26 January 2021 in Case R 370/2020-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 71(1) read in conjunction with Article 67 Regulation (EU) 2017/1001 of the European Parliament and of the Council and lack of competence by exceeding the limits of its power;
- Infringement of Article 7(3) Regulation (EU) 2017/1001 of the European Parliament and of the Council and incorrect statement that the evidence filed in relation to acquired distinctiveness is insufficient;
- Infringement of Article 94(1) Regulation (EU) 2017/1001 of the European Parliament and of the Council for failing to state reasons for its decision.

Action brought on 15 April 2021 — Kewazo v EUIPO (Liftbot)

(Case T-205/21)

(2021/C 217/82)

Language of the case: German

Parties

Applicant: Kewazo GmbH (Garching, Germany) (represented by: P. Baronikians, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union word mark Liftbot — Application for registration No 18 191 963

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 2 February 2021 in Case R 1160/2020-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- annul the refusal decision of EUIPO of 15 September 2020;
- order EUIPO to pay the costs.