

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

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

*Trade mark at issue:* Application for EU figurative mark essence — Application for registration No 18 269 704

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 21 September 2021 in Case R 693/2021-4

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision and register the EU trade mark applied for;
- order EUIPO to pay the costs.

### **Pleas in law**

- Infringement of Article 7(1)(c) and Article 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 22 November 2021 — LG Electronics v EUIPO — ZTE Deutschland (V10)**  
**(Case T-741/21)**  
(2022/C 37/63)

*Language of the case: English*

### **Parties**

*Applicant:* LG Electronics, Inc. (Seoul, Republic of Korea) (represented by: M. Bölling, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* ZTE Deutschland (Düsseldorf, Germany)

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

*Proprietor of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* European Union word mark V10 — European Union trade mark No 14 328 892

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 14 September 2021 in Case R 2101/2020-5

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision insofar as it rejects the applicant's appeal against the cancellation decision in relation only to the goods smart phones, mobile phones and wearable smart phones;
- order EUIPO to bear the costs of the proceedings.

**Pleas in law**

- Infringement of Article 7(1)(b) and (c) of Council Regulation (EC) 207/2009 due to insufficient differentiation between invalidated goods;
- Infringement of Article 7(1)(b) and (c) of Council Regulation (EC) 207/2009 due to inconsistent argumentation on the public's perception;
- Infringement of Article 7(1)(b) and (c) of Council Regulation (EC) 207/2009 by finding that there is no intrinsic and inherent characteristic;
- Infringement of Article 7(1)(b) and (c) of Council Regulation (EC) 207/2009 by finding that there is no easily recognizable characteristic;
- Infringement of Article 7(1)(b) and (c) of Council Regulation (EC) 207/2009 by finding that there is no specific, precise and objective characteristic.

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**Action brought on 19 November 2021 — Preventicus v EUIPO (NIGHTWATCH)****(Case T-742/21)**

(2022/C 37/64)

*Language of the case: English***Parties***Applicant:* Preventicus GmbH (Jena, Germany) (represented by: J. Zecher, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)**Details of the proceedings before EUIPO***Trade mark at issue:* European Union word mark NIGHTWATCH — Application for registration No 17 996 007 — Refusal — Request for conversion of an EU trade mark application into a national trade mark application for the United Kingdom*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 9 September 2021 in Case R 1241/2020-4**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- orders the EUIPO to pay the costs incurred in the proceedings before the General Court and the costs incurred during the appeal and examination procedures before the EUIPO.

**Pleas in law**

- Infringement of Article 139 (1) in conjunction with Article 37 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;