

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision in its entirety and the decision No. ICD 104479 of the Invalidity Division of EUIPO of 12 June 2020 in its entirety;
- declare the design at issue invalid; and
- order EUIPO and the other party to the proceedings before the Board of Appeal to pay the costs.

**Pleas in law**

- Infringement of Article 7(2) of Council Regulation (EC) No 6/2002;
- Infringement of Article 63(1), first sentence, in conjunction with Article 7(2) of Council Regulation (EC) No 6/2002;
- Infringement of Article 63(1), second sentence, of Council Regulation (EC) No 6/2002.

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**Action brought on 6 December 2021 — Société des produits Nestlé v EUIPO — The a2 Milk Company (A2)**

**(Case T-759/21)**

(2022/C 37/73)

*Language of the case: English*

**Parties**

*Applicant:* Société des produits Nestlé SA (Vevey, Switzerland) (represented by: A. Jaeger-Lenz and J. Thomsen, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* The a2 Milk Company Ltd (Auckland, New Zealand)

**Details of the proceedings before EUIPO**

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

*Trade mark at issue:* International registration designating the European Union in respect of the figurative mark A2 — International registration designating the European Union No 1 438 650

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 15 October 2021 in Case R 2447/2020-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- annul the decision of the Opposition Division of the EUIPO of 17 November 2020, and reject opposition no. B 3080425 in its entirety and allow international registration no. WO 1438650 to proceed for designation in the European Union and;
- order EUIPO to pay the costs of the proceedings before the General Court and order the potential intervener to pay the costs before the EUIPO in the opposition and appeal proceedings.

**Plea in law**

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