

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: European Union word mark ‘400 PANORAMICZNYCH’ — Application for registration No 15 299 704

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 15 December 2017 in Case R 2200/2016-5

Form of order sought

The applicant claims that the Court should:

- amend the decision of the Fifth Board of Appeal by upholding the applicant’s appeal and registering the trade mark ‘400 PANORAMICZNYCH’ on the basis of the finding that the word sign ‘400 PANORAMICZNYCH’ does not meet the conditions laid down in Article 7(1) of Regulation 2017/1001, in particular points (b) and (c) thereof, and there are therefore no grounds for refusing to register the trade mark;

and/or

- declare, in accordance with Article 7(3) of Regulation 2017/1001, that the word sign ‘400 PANORAMICZNYCH’ has acquired distinctive character through use (secondary distinctiveness), and there are therefore no grounds for refusing to register the trade mark, and in particular none of the conditions set out in Article 7(1)(b), (c) and (d) of that regulation apply;

in the alternative

- annul the decision of the Fifth Board of Appeal and order the European Union Intellectual Property Office (‘EUIPO’) to review the application for registration of the word mark ‘400 PANORAMICZNYCH’ as an EU trade mark (application for registration No 15 299 704), in particular with a view to removing any current irregularities, finding that the word sign ‘400 PANORAMICZNYCH’ does not meet the conditions laid down in Article 7(1) of Regulation 2017/1001, in particular points (b) and (c) thereof, and there are therefore no absolute grounds for refusal;

and/or

- declare, in accordance with Article 7(3) of Regulation 2017/1001, that the word sign ‘400 PANORAMICZNYCH’ has acquired distinctive character through use (secondary distinctiveness), and there are therefore no grounds for refusing to register the trade mark, and in particular none of the conditions set out in Article 7(1)(b), (c) and (d) of that regulation apply;
- order EUIPO to pay the costs.

Plea in law

- Infringement of Article 7(1)(b), (c) and (d) of Regulation 2017/1001.

Action brought on 20 February 2018 — Agencja Wydawnicza Technopol v EUIPO (500 PANORAMICZNYCH)

(Case T-120/18)

(2018/C 142/79)

Language of the case: Polish

Parties

Applicant: Agencja Wydawnicza Technopol sp. z o. o. (Częstochowa, Poland) (represented by: C. Rogula, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: European Union word mark ‘500 PANORAMICZNYCH’ — Application for registration No 15 299 712

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 15 December 2017 in Case R 2201/2016-5

Form of order sought

The applicant claims that the Court should:

- amend the decision of the Fifth Board of Appeal by upholding the applicant’s appeal and registering the trade mark ‘500 PANORAMICZNYCH’ on the basis of the finding that the word sign ‘500 PANORAMICZNYCH’ does not meet the conditions laid down in Article 7(1) of Regulation 2017/1001, in particular points (b) and (c) thereof, and there are therefore no grounds for refusing to register the trade mark;

and/or

- declare, in accordance with Article 7(3) of Regulation 2017/1001, that the word sign ‘500 PANORAMICZNYCH’ has acquired distinctive character through use (secondary distinctiveness), and there are therefore no grounds for refusing to register the trade mark, and in particular none of the conditions set out in Article 7(1)(b), (c) and (d) of that regulation apply;

in the alternative

- annul the decision of the Fifth Board of Appeal and order the European Union Intellectual Property Office (‘EUIPO’) to review the application for registration of the word mark ‘500 PANORAMICZNYCH’ as an EU trade mark (application for registration No 15 299 712), in particular with a view to removing any current irregularities, finding that the word sign ‘500 PANORAMICZNYCH’ does not meet the conditions laid down in Article 7(1) of Regulation 2017/1001, in particular points (b) and (c) thereof, and there are therefore no absolute grounds for refusal;

and/or

- declare, in accordance with Article 7(3) of Regulation 2017/1001, that the word sign ‘500 PANORAMICZNYCH’ has acquired distinctive character through use (secondary distinctiveness), and there are therefore no grounds for refusing to register the trade mark, and in particular none of the conditions set out in Article 7(1)(b), (c) and (d) of that regulation apply;
- order EUIPO to pay the costs.

Plea in law

- Infringement of Article 7(1)(b), (c) and (d) of Regulation 2017/1001.

Action brought on 20 February 2018 — Agencja Wydawnicza Technopol v EUIPO (1000 PANORAMICZNYCH)

(Case T-121/18)

(2018/C 142/80)

Language of the case: Polish

Parties

Applicant: Agencja Wydawnicza Technopol sp. z o. o. (Częstochowa, Poland) (represented by: C. Rogula, lawyer)