

*Trade mark at issue:* EU figurative mark containing the word elements ‘Cuervo y Sobrinos LA HABANA 1882’ — EU trade mark No 10 931 087

*Procedure before EUIPO:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 29 March 2017 in Case R 1141/2016-4

### **Form of order sought**

The applicant claims that the Court should:

- annul in part the decision of the Fourth Board of Appeal of EUIPO of 29 March 2017 in Case R 1141/2016-4, specifically, in so far as it confirms the decision of the Cancellation Division of EUIPO of 29 April 2016, in the cancellation proceedings No 10 786 C declaring invalid EU trade mark No 010931087 ‘Cuervo y Sobrinos LA HABANA 1882’ for goods registered for that mark in Classes 14 and 16;
- order the defendant to bear the costs of the present proceedings, as well as all those incurred to date in the earlier proceedings before the Opposition Division and the Fourth Board of Appeal of EUIPO that have led to the present application.

### **Plea in law**

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

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## **Action brought on 5 June 2017 — Fenyves v EUIPO (Blue)**

**(Case T-375/17)**

(2017/C 256/43)

*Language of the case: English*

### **Parties**

*Applicant:* Klaudia Patricia Fenyves (Hevesvezekény, Hungary) (represented by: I. Monteiro Alves, lawyer)

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

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

*Trade mark at issue:* EU figurative mark containing the word element ‘BLUE’ — Application for registration No 15 287 907

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 27 March 2017 in Case R 1974/2016-5

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- remit the trade mark application to the Office for registration to proceed;
- order EUIPO to pay the costs, including the costs of proceedings before the Board of Appeal.

### **Plea in law**

- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009.
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