

Other party to the proceedings before the Board of Appeal: Volkswagen AG (Wolfsburg, Germany)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Other party to the proceedings before the Board of Appeal

Design at issue: European Union design No 762851-0001

Contested decision: Decision of the Third Board of Appeal of EUIPO of 11 January 2018 in Case R 1203/2016-3

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Third Board of Appeal and declare EU design No 762851-0001 null and void;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 4(1), in conjunction with Article 6(1)(b), of Regulation No 6/2002;
- Infringement of Article 6(2) of Regulation No 6/2002.

Action brought on 16 March 2018 — Rietze v EUIPO — Volkswagen (Motor vehicles)

(Case T-192/18)

(2018/C 161/90)

Language in which the application was lodged: German

Parties

Applicant: Rietze GmbH & Co. KG (Altdorf, Germany) (represented by: M. Krogmann, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Volkswagen AG (Wolfsburg, Germany)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Other party to the proceedings before the Board of Appeal

Design at issue: International registration No DM/073118-3 designating the European Union

Contested decision: Decision of the Third Board of Appeal of EUIPO of 11 January 2018 in Case R 1244/2016-3

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Third Board of Appeal and declare the effect of the international registration of design DM/073118-3 in the European Union to be null and void;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 4(1), in conjunction with Article 6(1)(b), of Regulation No 6/2002;
 - Infringement of Article 6(2) of Regulation No 6/2002.
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