

Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant

Design at issue: Community design No 198387-0001

Contested decision: Decision of the Third Board of Appeal of EUIPO of 19 January 2018 in Case R 941/2016-3

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and dismiss the application for a declaration of invalidity in respect of the contested Community design No 198387-0001.

Pleas in law

— Infringement of Article 5 of Regulation No 6/2002;

— Infringement of Article 6 of Regulation No 6/2002.

Action brought on 27 March 2018 — Brita v EUIPO (Shape of tap for preparing and dispensing beverages)

(Case T-213/18)

(2018/C 166/60)

Language of the case: English

Parties

Applicant: Brita GmbH (Taufkirchen, Germany) (represented by: P. Koch Moreno, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU tridimensional mark in black and white (Shape of tap for preparing and dispensing beverages) — Application for registration No 16 053 068

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 22 January 2018 in Case R 1864/2017-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order to accept the European Union Trademark Application no. 16 053 068 in relation to all the goods and services applied for in classes 7, 11, 21, 37 and 40;

— order EUIPO to bear its own costs and the fees and costs of BRITA GmbH.

Plea in law

— Infringement of Article 7(1)(b) of Regulation No 2017/1001.

**Action brought on 23 March 2018 — Aliança — Vinhos de Portugal v EUIPO — Lidl Stiftung
(ALIANÇA VINHOS DE PORTUGAL)**

(Case T-222/18)

(2018/C 166/61)

Language in which the application was lodged: English

Parties

Applicant: Aliança — Vinhos de Portugal SA (Anadia, Portugal) (represented by: J. Mioludo, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Lidl Stiftung & Co. KG (Neckarsulm, Germany).

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark ALIANÇA VINHOS DE PORTUGAL — EU trade mark No 13 907 027

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 15 January 2018 in Case R 1206/2017-5.

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- annul the decision of the Cancellation Division of 4 April 2017 in Cancellation No. 13433 C;
- refuse the application for a declaration of invalidity of EU trade mark registration No. 13 907 027 ‘ALIANÇA VINHOS DE PORTUGAL (fig.)’;
- maintain the EU trade mark registration No. 13 907 027 ‘ALIANÇA VINHOS DE PORTUGAL (fig.)’ valid for all the covered goods;
- order EUIPO and Lidl Stiftung & Co. KG to bear their own costs and pay those of the Appellant.

Plea in law

— Infringement of Articles 8(1)(b) and 60(1)(a) of Regulation No 2017/1001.
