

Plea in law

— Infringement of Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 31 May 2018 — Gibson Brands v EUIPO — Wilfer**(Shape of a guitar)****(Case T-340/18)**

(2018/C 249/54)

*Language of the case: English***Parties**

Applicant: Gibson Brands, Inc. (Nashville, Tennessee, United States) (represented by: K. Hughes, Solicitor, A. Renck and C. Stöber, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Hans-Peter Wilfer (Markeneukirchen, Germany)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union tridimensional mark (Shape of a guitar) — European Union trade mark No 9 179 953

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 8 March 2018 in Case R 415/2017-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order that the costs of the proceedings be borne by the Defendant and the Other Party before the Board of Appeal in the event that it intervenes in the proceedings.

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— Infringement of Article 52(1)(a) in conjunction with Article 7(1)(b) of Regulation No 207/2009;

— Infringement of Article 52(2) in conjunction with Article 7(3) of Regulation No 207/2009.
