

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Paul Ingram (Birmingham, United Kingdom)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark WKU WORLD KICKBOXING AND KARATE UNION — EU trade mark No 11 523 958

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of EUIPO of 17 April 2018 in Case R 409/2017-1

Form of order sought

The applicant claims that the General Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 61 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 28 June 2018 — Innocenti v EUIPO — Gemelli (Innocenti)

(Case T-392/18)

(2018/C 285/60)

Language in which the application was lodged: Italian

Parties

Applicant: Innocenti SA (Lugano, Switzerland) (represented by: N. Ferretti, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Filippo Gemelli (Turin, Italy)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the Board of Appeal

Trade mark at issue: European Union word mark 'Innocenti' – Application for registration No 7 502 181

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 19 April 2018 in Case R 2336/2010-5

Form of order sought

The applicant claims that the Court should:

- Alter Decision No 2336/2010-5 of the Fifth Board of Appeal by annulling it and reject Filippo Gemelli's opposition to mark 007502181.

Pleas in law

- Failure to comply with the time limit for submission of documentary evidence of the decision of the Tribunale di Torino (District Court, Turin, Italy) revoking the earlier mark on the ground of non-use;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 25 June 2018 — Pielczyk v EUIPO — Thalgo TCH (DERMAEPIL SUGAR EPIL SYSTEM)

(Case T-398/18)

(2018/C 285/61)

Language of the case: English

Parties

Applicant: Radoslaw Pielczyk (Klijndijk, Netherlands) (represented by: K. Kielar, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Thalgo TCH (Roquebrune-sur-Argens, France)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union trade mark No 11 649 324

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 13 April 2018 in Joined Cases R 979/2017-4 and R 1070/2017-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in part, namely in so far as the Board of Appeal
 - a) dismissed the Applicant's appeal R 979/2017-4
 - b) partially allowed the cancellation Thalgo TCH's appeal R 1070/2017-4 for the goods in Class 3 of the Nice Classification;
 - c) declared the EUTM No 11 649 324 also invalid for the indicated goods in Class 3;
 - d) upheld EUIPO's decision of 21/03/2017 (Cancellation proceedings No 11 974 C) in part in which pursuant to the decision the Applicant's trade mark has been declared invalid for goods in Class 3;