



C/2023/667

13.11.2023

**Action brought on 25 September 2023 — Mendes v EUIPO — Actial Farmaceutica
(LACTOBACILLUS PARACASEI DSM24733)**

(Case T-583/23)

(C/2023/667)

Language in which the application was lodged: English

Parties

Applicant: Mendes SA (Lugano, Switzerland) (represented by: M. Cavattoni, lawyer)

Defendant: European Union Intellectual Property Office

Other party to the proceedings before the Board of Appeal: Actial Farmaceutica Srl (Rome, Italy)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union word mark LACTOBACILLUS PARACASEI DSM24733 — European Union trade mark No 12 869 095

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 25 July 2023 in Case R 1288/2022-1

Form of order sought

The applicant claims that the Court should:

- uphold its action;
- annul the contested decision;
- order the other party to the proceedings to bear the costs and fees.

Pleas in law

- Infringement of Article 7(1)(c) of Council Regulation (EC) No 207/2009;
 - Infringement of Article 7(1)(b) and (c) of Council Regulation (EC) No 207/2009;
 - Violation of the right to property of the applicant;
 - Infringement of Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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