



C/2024/2638

22.4.2024

**Action brought on 28 February 2024 – Vila Tobella v EUIPO – Raphael Europe
(ROZALIYA jewelry for enlightenment)**

(Case T-118/24)

(C/2024/2638)

Language in which the application was lodged: English

Parties

Applicant: Rosalia Vila Tobella (Sant Esteve Sesrovires, Spain) (represented by: P. Martini-Berthon, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Raphael Europe Ltd (Sofia, Bulgaria)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union word mark ROZALIYA jewelry for enlightenment – European Union trade mark No 15 447 981

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 15 December 2023 in Case R 430/2023-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision to the extent that the evidence of genuine use was considered sufficient for the remaining goods in Class 14;
- order EUIPO to pay the costs incurred by the applicant, including the costs of proceedings before the Board of Appeal.

Pleas in law

- Infringement of Article 58(1)(a), read in conjunction with Article 18 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Articles 94(1) and 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.