



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.