



C/2024/2770

29.4.2024

Action brought on 15 February 2024 – ETİ Gıda Sanayi ve Ticaret v EUIPO – Star Foods Em (Bags [packaging] (Ornamentation for-))

(Case T-91/24)

(C/2024/2770)

Language in which the application was lodged: English

Parties

Applicant: ETİ Gıda Sanayi ve Ticaret AŞ (Eskişehir, Türkiye) (represented by: A. Căvescu, lawyer)

Defendant: European Union Intellectual Property Office

Other party to the proceedings before the Board of Appeal: SC Star Foods Em SRL (Popești Leordeni, Romania)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant before the General Court

Design at issue: European Union design Bags [packaging] (Ornamentation for-) – European Union design No 3 438 852-0001

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Third Board of Appeal of EUIPO of 14 December 2023 in Case R 1016/2023-3

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the intervener to pay the costs of the proceedings before General Court, as well as the costs of the invalidity and appeal proceedings before EUIPO.

Pleas in law

- Infringement of Article 25(1)(e) of Council Regulation (EC) No 6/2002;
- Infringement of Articles 94 and 95 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the right to be heard and of the right to a fair trial.