



C/2024/2770

29.4.2024

**Action brought on 15 February 2024 – ETI 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: ETI 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 (Popeşti 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.