



C/2024/4605

29.7.2024

Action brought on 14 June 2024 – OMV v EUIPO – Combe International (OMV! BY VAGISIL)

(Case T-303/24)

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Language in which the application was lodged: English

Parties

Applicant: OMV AG (Vienna, Austria) (represented by: C. Schumacher and B. Kapeller-Hirsch, lawyers)

Defendant: European Union Intellectual Property Office

Other party to the proceedings before the Board of Appeal: Combe International LLC (White Plains, New York, United States)

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 OMV! BY VAGISIL – European Union trade mark No 17 980 289

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 5 April 2024 in Case R 804/2023-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 60(1)(a) in conjunction with Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Incorrect application of Article 60(1)(a) in conjunction with Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.