



Action brought on 26 July 2024 – Frutaria Innovation v EUIPO – Schneider (Frutaria.)

(Case T-381/24)

(C/2024/5330)

Language in which the application was lodged: English

Parties

Applicant: Frutaria Innovation SL (Zaragoza, Spain) (represented by: C. Anadón Giménez and J. Learte Álvarez, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Markus Schneider (Bonn, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court

Trade mark at issue: European Union figurative mark Frutaria. – European Union trade mark No 5 922 885

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 27 May 2024 in Case R 1377/2023-2 as corrected by corrigendum of 17 July 2024

Form of order sought

The applicant claims that the Court should:

- annul the contested decision to the extent the trade mark at issue was declared invalid;
- order EUIPO to pay the costs, including those incurred in the proceedings before the Board of Appeal.

Pleas in law

- Infringement of Article 59(1)(a) in conjunction with Article 7(1)(b) and (c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 59(2) in conjunction with Article 7(3) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.