



C/2024/5330

9.9.2024

**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.