C/2024/5430

16.9.2024

Action brought on 5 August 2024 – Manufaktur Jörg Geiger v EUIPO – Consorzio di Tutela della Denominazione di Origine Controllata 'Prosecco' (PriSecco)

(Case T-406/24)

(C/2024/5430)

Language in which the application was lodged: German

Parties

Applicant: Manufaktur Jörg Geiger GmbH (Schlat, Germany) (represented by: W. Heisrath, F. Dehn and C. Kleiner, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Consorzio di Tutela della Denominazione di Origine Controllata 'Prosecco' (Treviso, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark PriSecco – EU trade mark No 14 224 083

Proceedings before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 30 May 2024 in Case R 1454/2022-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and reject the application for cancellation of the Consorzio di Tutela della Denominazione di Origine Controllata 'Prosecco' of 3 September 2020 (Cancellation proceedings No 46 269 C);

— order EUIPO to pay the costs, including those of the previous appeal proceedings.

Pleas in law

— Infringement of Article 53(1)(d), read in conjunction with Article 8(4)(a) of Council Regulation (EC) 207/2009 as amended by Regulation (EU) 2015/2424 of the European Parliament and of the Council;

— Infringement of Article 53(1)(c), read in conjunction with Article 8(4) of Council Regulation (EC) 207/2009;

— Infringement of Article 103(2)(b) of Regulation (EU) 1308/2013 of the European Parliament and of the Council. ([1])

([1]) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).