



C/2024/566

8.1.2024

Action brought on 21 November 2023 — RTL Group Markenverwaltung v EUIPO — Örtl (RTL)

(Case T-1088/23)

(C/2024/566)

Language in which the application was lodged: German

Parties

Applicant: RTL Group Markenverwaltungs GmbH (Cologne, Germany) (represented by: W. Prinz, lawyer)

Defendant: European Union Intellectual Property Office

Other party to the proceedings before the Board of Appeal: Marcella Örtl (Selb, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark RTL — EU trade mark No 14 884 911

Proceedings before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 19 September 2023 in Case R 86/2023-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and, if necessary, amend it to the effect that, in respect of the following goods and services, the application for revocation of trade mark No 14 884 911 is rejected:

Class 3: Soaps; Perfumery; Cosmetics.

Class 9: Apparatus for recording of sound or images; Apparatus for transmission of sound or images; Apparatus for the reproduction of sound or images; Video-on-demand (VOD) apparatus; Apparatus for other on-demand services; Pay TV apparatus; Apparatus for interactive television viewing; Apparatus for teleshopping; Cinematographic apparatus; Cameras; Mechanisms for coin-operated apparatus, included in class 9; Recording discs; Optical storage discs (sound and images), all the aforesaid goods in recorded and blank form.

Class 16: Printed matter; Books; Newspapers; Periodicals; Paper, cardboard; Paper sheets for note taking.

Class 24: Fabrics, including textiles, textile goods and textile substitutes.

Class 25: Clothing.

Class 32: Beers and brewery products; Mineral water [beverages]; Aerated water; Non-alcoholic beverages; Fruit drinks; Juices.

Class 35: Advertising, marketing and promotional services.

Class 41: Talent promotion, namely talent scouting for others by conducting seminars, courses, conferences, training events and shows.

Class 42: Development of database software (programming) for providing information on the internet and on other audiovisual media, and creation of homepages and websites on the internet and on other audiovisual media; Technical consultancy with regard to the development, design, production and broadcasting of television and radio programmes, databases and presentations on the internet and on other audiovisual media.

- order EUIPO to pay the costs.

Plea in law

- Infringement of Article 58(1)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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