



Action brought on 13 September 2024 – Kap3 Premium Products v EUIPO – CuraProducts (CaloVital)

(Case T-478/24)

(C/2024/6271)

Language in which the application was lodged: German

Parties

Applicant: Kap3 Premium Products UG (haftungsbeschränkt) (Mainz, Germany) (represented by: S. Breckheimer, lawyer)

Defendant: European Union Intellectual Property Office

Other party to the proceedings before the Board of Appeal: CuraProducts GmbH (Groß Gerau, Germany)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant

Trade mark at issue: Application for the EU word mark CaloVital – Application No 18 543 839

Proceedings before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 11 July 2024 in Case R 1441/2023-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- allow the appeal against the decision of the Opposition Division;
- order EUIPO to pay the costs including those incurred in the proceedings before the Opposition Division and before the Board of Appeal.

Plea in law

Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.