



C/2024/6447

4.11.2024

Action brought on 18 September 2024 – Savencia v EUIPO – Hofmeister (Shape of a cheese)

(Case T-481/24)

(C/2024/6447)

Language in which the application was lodged: German

Parties

Applicant: Savencia SA (Viroflay, France) (represented by: G. Brox, F. Hagemann and A. Berger, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Hofmeister Vermögensverwaltungs GmbH & Co. KG (Lauben, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: International registration designating the three-dimensional EU trade mark (Shape of a cheese) – International registration designating the European Union No 1 424 666

Proceedings before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 8 July 2024 in Cases R 1920/2022-5 and R 1941/2022-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision or amend it as follows :

dismiss appeal R 1920/2022-5;

in addition, dismiss appeal R 1941/2022-5 and the cross-appeal under file number R 1920/2022-5 of the international registration No 1 424 666 in the European Union in relation to protection for the goods ‘edible oils and fats’;

— order EUIPO to pay the costs;

— order the intervener to pay the costs of the proceedings before EUIPO.

Pleas in law

— Infringement of Article 71 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of the second sentence of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Articles 95 and 97 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of the first sentence of Article 27(2) of Commission Delegated Regulation (EU) 2018/625;

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