



C/2024/974

29.1.2024

Action brought on 7 December 2023 — Schöffel Sportbekleidung v EUIPO — BV (Schöffel Ich bin raus.)

(Case T-1141/23)

(C/2024/974)

Language in which the application was lodged: German

Parties

Applicant: Schöffel Sportbekleidung GmbH (Schwabmünchen, Germany) (represented by: P. Klein, lawyer)

Defendant: European Union Intellectual Property Office

Other party to the proceedings before the Board of Appeal: BV

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark Schöffel Ich bin raus. — International registration designating the European Union No 1 125 107

Proceedings before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 9 October 2023 in Case R 237/2023-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and amend it to the effect that the complaint is rejected and the application for revocation of 6 June 2021 is dismissed as inadmissible;
- order the other party to pay the costs; in the alternative, order EUIPO to pay the costs.

Plea in law

- Abuse of rights and abuse of process in conjunction with Article 107 in conjunction with Article 58(1)(a), Article 63(1)(a), Article 182, Article 198 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.