



C/2025/5201

6.10.2025

**Request for a preliminary ruling from the Audiencia Provincial de Alicante (Spain) lodged on 13 June
2025 – Bodegas Sanviver, S. L. v Bodegas Vega Sicilia, S. A.**

(Case C-392/25, Bodegas Sanviver)

(C/2025/5201)

Language of the case: Spanish

Referring court

Audiencia Provincial de Alicante

Parties to the main proceedings

Appellant: Bodegas Sanviver, S. L.

Respondent: Bodegas Vega Sicilia, S. A.

Questions referred

1. Once trade mark infringement proceedings have begun, can the defendant submit an application for revocation or for a declaration of invalidity to EUIPO, pursuant to Article 132(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark, ⁽¹⁾ where he or she had the possibility of filing a counterclaim concerning the same subject matter before the EU trade mark court, as permitted by Articles 58(1), 59(1), 60(1), 124(d) and 128 of that regulation and Articles 17(2), 41 and 47 of the Charter of Fundamental Rights of the European Union?
2. Where the defendant has not filed a counterclaim in proceedings for trade mark infringement, can he or she, on the basis of Article 132(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark, submit an application for revocation or for a declaration of invalidity to EUIPO, with suspensive effect on the court proceedings until the decision relating to the application becomes final?
3. If the answer to the preceding question is in the affirmative, up to what point in the court proceedings can the defendant submit an application for revocation or for a declaration of invalidity to EUIPO and thereby cause the court proceedings to be stayed?

⁽¹⁾ OJ 2017 L 154, p. 1.