

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 27 November 2017 — Café del Mar and Others v EUIPO — Guiral Broto (Café del Mar)**(Case T-772/17)**

(2018/C 022/79)

*Language in which the application was lodged: Spanish***Parties**

Applicants: Café del Mar SC (Sant Antoni de Portmany, Spain), José Les Viamonte (Sant Antoni de Portmany) and Carlos Andrea González (Sant Antoni de Portmany) (represented by: F. Miazzetto and J. L. Gracia Albero, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Ramón Guiral Broto (Marbella, Spain)

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: European Union figurative mark containing the word elements 'Café del Mar' — European Union trade mark No 2 090 520

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 4 September 2017 in Case R 1540/2015-5

Form of order sought

The applicant claims that the General Court should:

- annul the contested decision;
- declare European Union figurative mark No 2 090 520 containing the word elements 'Café del Mar' invalid;
- order the defendant to pay the costs of the present proceedings, and order the proprietor of the trade mark at issue to pay the costs incurred in the proceedings before the Cancellation Division and the Boards of Appeal of EUIPO.

Plea in law

- Infringement of Article 52(1)(b) and Article 53(1)(c) of Regulation No 2017/1001.
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