

- entirely reject the contested decision and, consequently, allow EUTM Application No 14 961 767 to proceed to registration in relation to all the products and services claimed by the same in classes 18, 25 and 35 (or, eventually, asking the EUIPO to examine once again the appeal filed by the Applicant on 15 June 2017, this time, however, comparing the contested application with the trademark claimed by the Opponent's earlier International Registration No 1 258 728);
- order EUIPO or the Intervener to bear all the costs related not only to the present proceedings before the General Court but also to the opposition and appeal proceedings before the EUIPO.

Plea in law

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

Action brought on 24 July 2018 — Biasotto v EUIPO — OOFOS (OO)

(Case T-454/18)

(2018/C 352/46)

Language of the case: English

Parties

Applicant: Alessandro Biasotto (Treviso, Italy) (represented by: F. Le Divelec Lemmi, R. Castiglioni and E. Cammareri, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: OOFOS LLC (Reno, Nevada, United States).

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the General Court

Trade mark at issue: Application for European Union trade mark OO — Application for registration No 14 961 791

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 15 May 2018 in Case R 1281/2017-2.

Form of order sought

The applicant claims that the Court should:

- fully uphold the present action;
- entirely reject the contested decision, confirming, in substance, the conclusion reached by the EUIPO in its decision of 17 May 2017 relating to opposition proceedings No B 2683558 and, consequently, allowing EUTM application No 14 961 791 to proceed to registration in relation to all products and services claimed by the same in classes 18, 25 and 35;
- order the Intervener to bear all the costs related not only to the present proceedings before the General Court but also to the opposition and appeal proceedings before the EUIPO.

Plea in law

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