

Contested decision: Decision of the First Board of Appeal of EUIPO of 6 September 2018 in Case R 2518/2017-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision.

Plea in law

- Infringement of Article 7(1)(b) and (c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 21 December 2018 — Glimarpol v EUIPO — Metar (Pneumatic power tools)

(Case T-748/18)

(2019/C 72/47)

Language of the case: English

Parties

Applicant: Glimarpol sp. z o.o. (Bytom, Poland) (represented by: M. Kondrat, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Metar sp. z o.o. (Gliwice, Poland)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant before the General Court

Design at issue: European Union design 2 125 435-0001

Contested decision: Decision of the Third Board of Appeal of EUIPO of 4 October 2018 in Case R 1615/2017-3

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and refer the case back to EUIPO for reconsideration;
- alter the contested decision by stating that there are no grounds for declaring Registered Community design No 002125435-001 as invalid;
- award the costs in the applicant's favour.

Pleas in law

- Infringement of Article 6 of Council Regulation (EC) No 6/2002;
 - Infringement of Article 7 of Council Regulation (EC) No 6/2002.
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