

Action brought on 24 June 2019 — El Corte Inglés v EUIPO — Big Bang (LTC latiendaencasa.es BIG BANG DAY)

(Case T-376/19)

(2019/C 263/77)

Language in which the application was lodged: Spanish

Parties

Applicant: El Corte Inglés, SA (Madrid, Spain) (represented by: J.L. Rivas Zurdo, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Big Bang, trgovina in storitve, d.o.o. (Ljubljana, Slovenia)

Details of the proceedings before EUIPO

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

Trade mark at issue: Application for the EU figurative mark LTC latiendaencasa.es BIG BANG DAY — Application for registration No 15 879 323

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 5 April 2019 in Case R 1684/2018-5

Form of order sought

The applicant claims that the Court should:

- Uphold the present action for annulment and, accordingly, annul the contested decision, which dismissed the applicant's appeal and confirmed the decision of the Opposition Division (opposition B 2 840 414) by which EU trade mark No 15 879 323 was refused only in respect of the goods and services in the Classes to which the opposition related (7, 9, 11, 16, 35 and 42) with the exception of the following goods in Class 7 which are also granted: 'machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs; automatic vending machines'; and
- order the party or parties opposing this action to pay the costs.

Plea in law

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