

Action brought on 20 January 2020 – Promed v EUIPO – Centrumelektroniki (Promed)**(Case T-30/20)**

(2020/C 68/77)

*Language of the case: English***Parties**

Applicant: Promed GmbH kosmetische Erzeugnisse (Farchant, Germany) (represented by: B. Reinisch and B. Sorg, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Centrumelektroniki sp.j. (Tarnowskie Góry, Poland)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union word mark Promed – European Union trade mark No 6 206 718

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 7 November 2019 in Case R 614/2019-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- as regards the applicant's request for reimbursement of the appeal fee, alter the contested decision so that the appeal fee is reimbursed;
- annul the decision of the Cancellation Division of EUIPO of 22 February 2019 (Cancellation Proceedings No 15 428 C) as far as mentioned decision has declared invalid the European Union trade mark No 6 206 718 for the goods:

Class 5: Test strips for medical purposes;

Class 9: Apparatus for measuring body temperature and functions;

Class 10: Surgical, medical, dental and veterinary instruments and apparatus, in particular pain therapy apparatus, electrodes for electric therapy apparatus, orthopaedic articles, in particular orthopaedic shoes and shoe inserts, ankle bandages, body bandages; orthopaedic stockings; insulin pens; foot massagers, massage apparatus; apparatus for radiotherapy, in particular heat and light therapy;

- as far as it has ordered the trademark proprietor (applicant) to bear costs;
- reject the request for cancellation of the European Union trade mark No 6 206 718 Promed entirely;
- order EUIPO to bear the costs (this includes the costs of applicant, the costs of EUIPO and as soon as the other party becomes intervener, the costs of intervener).

Pleas in law

- Infringement of Article 95(1) sentence 3 in conjunction with Article 59(1)(a), Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 59(1)(a), Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 20 January 2020 – Monster Energy v EUIPO – Nanjing aisiyou Clothing (Device of a claw-like scratch)**(Case T-35/20)**

(2020/C 68/78)

*Language of the case: English***Parties**

Applicant: Monster Energy Company (Corona, California, United States) (represented by: P. Brownlow, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Nanjing aisiyou Clothing Co. Ltd (Nanjing City, China)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for European Union figurative mark representing a device of a claw-like scratch – Application for registration No 17 634 478

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 13 November 2019 in Case R 1104/2019-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- annul the decision of the Opposition Division of 21 March 2019 in Opposition B 3050458;
- reject the opposed mark for the contested goods and services, being all goods and services covered by the application;
- order the defendant to bear its own costs of the proceedings and pay those of the applicant.