

- order the EUIPO and the intervener in the present proceedings to bear their own costs and to pay the applicant's costs of these proceedings, as well as the costs of the appeal procedure before the Fourth Board of Appeal.

Pleas in law

- The Board wrongly assumed that the applicant had admitted in its statement of grounds that the compared goods in Class 30 are identical;
- The Board erred in finding that the compared signs share all their elements;
- The Board was wrong to limit, or focus exclusively, its conclusions regarding the comparison of the signs on the verbal components of the signs;
- The Board failed to take sufficient account of the visual difference between the marks and made merely general conclusions in this regard without concrete reasoning.

Action brought on 4 August 2021 — Ionfarma v EUIPO — LG Electronics (AION)

(Case T-465/21)

(2021/C 382/42)

Language of the case: English

Parties

Applicant: Ionfarma, SL (Barcelona, Spain) (represented by: S. Correa Rodríguez, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: LG Electronics, Inc. (Seoul, South Korea)

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 word mark AION — Application for registration No 17 892 367

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 25 May 2021 in Case R 2223/2020–4

Form of order sought

The applicant claims that the Court should:

- revoke the contested decision and reject the European Union trademark No^o17 892 367 AION for all goods;
- order EUIPO and, in case LG Electronics decides to intervene in the present proceedings, LG Electronics to pay the costs.

Plea in law

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

Action brought on 4 August 2021 — Baumberger v EUIPO — Nube (Lío)**(Case T-466/21)**

(2021/C 382/43)

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

Applicant: Dino Baumberger (Wesel, Germany) (represented by: J. Fusbahn and D. Dawirs, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Nube, SL (Ibiza, Spain)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union figurative mark Lío in golden yellow and black colour — European Union trade mark No 14 194 872

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 2 June 2021 in Case R 1221/2020-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and, consequently, the decision of the Cancellation Division of 28 April 2020 (Invalidity No. 000025762 C);
- reject the application for a declaration of invalidity and keep the contested trademark registration No. 14 194 872 registered;
- decide that the costs of the proceedings be borne by the EUIPO and Nube SL.

Plea in law

— Infringement of Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 4 August 2021 — DBM Videovertrieb v EUIPO — Nube (Lío)**(Case T-467/21)**

(2021/C 382/44)

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

Applicant: DBM Videovertrieb GmbH (Wesel, Germany) (represented by: J. Fusbahn and D. Dawirs, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Nube, SL (Ibiza, Spain)