

**Action brought on 21 January 2022 — Sanrio v EUIPO — Miroglio Fashion  
(SANRIO CHARACTERS)**

**(Case T-43/22)**

(2022/C 119/76)

*Language of the case: English*

**Parties**

*Applicant:* Sanrio Co. Ltd (Tokyo, Japan) (represented by: V. Schmitz-Fohrmann, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Miroglio Fashion Srl (Alba, Italy)

**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 word mark SANRIO CHARACTERS — Application for registration No 12 565 974

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 16 November 2021 in Case R 2460/2020-2

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision to the extent the opposition was upheld and European Union trade mark application No 12 565 974 was rejected and to reject the opposition in its entirety;
- order EUIPO to bear the costs of the proceedings.

**Plea in law**

- The Board of Appeal made an incorrect global assessment of the likelihood of confusion between the trade marks.

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**Action brought on 24 January 2022 — International Masis Tabak v EUIPO — Philip Morris Brands  
(Representation of a pack of cigarettes)**

**(Case T-44/22)**

(2022/C 119/77)

*Language of the case: English*

**Parties**

*Applicant:* International Masis Tabak LLC (Masis, Armenia) (represented by: C. Bercial Arias and K. Dimidjian-Lecompte, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Philip Morris Brands Sàrl (Neuchâtel, Switzerland)

**Details of the proceedings before EUIPO**

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

*Trade mark at issue:* International registration designating the European Union in respect of the figurative mark (Representation of a pack of cigarettes) — International registration designating the European Union No 1 434 506

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 15 November 2021 in Case R 261/2021-5

### **Form of order sought**

The applicant claims that the Court should:

- upheld the appeal and annul the contested decision;
- order EUIPO and the intervener, if it was the case, to bear the costs incurred by the applicant before the General Court.

### **Plea in law**

- Infringement of article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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## **Action brought on 28 January 2022 — Santos v EUIPO (Shape of a citrus press)**

**(Case T-51/22)**

(2022/C 119/78)

*Language of the case: French*

### **Parties**

*Applicant:* Santos (Vaulx-en-Velin, France) (represented by: C. Bey, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

### **Details of the proceedings before EUIPO**

*Trade mark at issue:* Application for a three-dimensional EU trade mark (Shape of a citrus press), claiming the colours (yellow Pantone 1235 C; green NCS S 3050-G50Y) — Application for registration No 18 005 754

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 29 November 2021 in Case R 281/2020-1

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs, including those incurred by the applicant for the purposes of the proceedings before the First Board of Appeal of EUIPO.

### **Pleas in law**

- Infringement of Article 165(2) and (5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council, Article 36 of Commission Delegated Regulation (EU) 2018/625 and Article 7 of Decision 2020-7 of the Presidium of the Boards of Appeal concerning the organisation of the Boards;
  - Infringement of Article 7 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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