

Action brought on 25 March 2022 — 1906 Collins v EUIPO — Peace United (bâoli BEACH)**(Case T-160/22)**

(2022/C 207/62)

*Language in which the application was lodged: French***Parties***Applicant:* 1906 Collins LLC (Miami, Florida, United States) (represented by: C. Mateu, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Peace United Ltd (London, United Kingdom)**Details of the proceedings before EUIPO***Proprietor of the trade mark at issue:* Other party to the proceedings before the Board of Appeal*Trade mark at issue:* EU figurative mark bâoli BEACH — EU trade mark No 16 552 333*Proceedings before EUIPO:* Proceedings for a declaration of invalidity*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 20 January 2022 in Case R 223/2021-2**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- declare EU trade mark No 16 552 333 bâoli BEACH invalid on the basis of Article 59(1)(b) of Regulation (EU) 2017/1001;
- declare trade mark No 16 552 333 invalid as of the date of its filing;
- order Peace United to reimburse the fees and costs incurred by 1906 Collins in connection with the present proceedings, including the costs awarded by the Cancellation Division and the Board of Appeal of EUIPO, in accordance with Article 134(1) and Article 190 of the Rules of Procedure of the General Court.

Pleas in law

- Infringement of Article 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 95(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 28 March 2022 — Transformers Manufacturing Company v EUIPO — H&F (TMC TRANSFORMERS)**(Case T-163/22)**

(2022/C 207/63)

*Language in which the application was lodged: Italian***Parties***Applicant:* Transformers Manufacturing Company Pty Ltd (Melbourne, Australia) (represented by: F. Caricato, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: H&F Srl (Milan, Italy)

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 TMC TRANSFORMERS — Application for registration No 17 262 668

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 3 February 2022 in Case R 1211/2021-5

Form of order sought

The applicant claims that the Court should:

- first of all and principally, acknowledge H&F Srl's lack of capacity and declare the proceedings at first and second instance before EUIPO inadmissible;
- alter the contested decision on the ground that it is unfounded in fact and law and based on insufficient reasoning;
- in the alternative, overturn the contested decision on the ground that it is unfounded in fact and law and refer the action back to EUIPO;
- order EUIPO and the intervener to pay the costs for the three stages of legal proceedings.

Pleas in law

- Lack of capacity to bring proceedings on the part of H&F Srl, a matter on which EUIPO did not rule and for which it did not provide sufficient reasons;
- Incorrect assessment of the likelihood of confusion (Article 8 of Regulation No 207/2009) in fact and in law;
- Failure to state sufficient reasons for the contested decision.

**Action brought on 28 March 2022 — Transformers Manufacturing Company v EUIPO — H&F
(TMC TRANSFORMERS)**

(Case T-167/22)

(2022/C 207/64)

Language in which the application was lodged: Italian

Parties

Applicant: Transformers Manufacturing Company Pty Ltd (Melbourne, Australia) (represented by: F. Caricato, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: H&F Srl (Milan, Italy)

Details of the proceedings before EUIPO

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