

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

Trade mark at issue: Application for the EU word mark TMC TRANSFORMERS — Application for registration No 17 264 664

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 14 February 2022 in Case R 1212/2021-5

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 30 March 2022 — Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi v EUIPO — Fontana Food (GRILLOUMI)

(Case T-168/22)

(2022/C 207/65)

Language in which the application was lodged: English

Parties

Applicant: Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi (Nicosia, Cyprus) (represented by: S. Malynicz, Barrister-at-law, and C. Milbradt, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Fontana Food AB (Tyresö, Sweden)

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 GRILLOUMI — Application for registration No 15 963 291

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 3 January 2022 in Case R 1612/2021-5