

**Action brought on 18 August 2022 — Levantur v EUIPO — Fantasia Hotels & Resorts (LUXURY BAHIA PRINCIPE FANTASIA Don Pablo Collection)**

**(Case T-505/22)**

(2022/C 380/30)

*Language in which the application was lodged: Spanish*

**Parties**

*Applicant:* Levantur, SA (Murcia, Spain) (represented by: G. Marín Raigal, E. Armero Lavie and C. Caballero Pastor, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Fantasia Hotels & Resorts, SL (Zaragoza, Spain)

**Details of the proceedings before EUIPO**

*Applicant for the trade mark at issue:* Applicant

*Trade mark at issue:* Figurative mark LUXURY BAHIA PRINCIPE FANTASIA Don Pablo Collection — EU trade mark No 16 020 547

*Proceedings before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 20 May 2022 in Case R 1973/2020-1

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and, if appropriate, the other party to the proceedings (FANTASÍA HOTELS & RESORTS, SL) to pay the costs of the present action before the General Court;
- order the cancellation applicant, FANTASÍA HOTELS & RESORTS, SL, to pay the costs of the proceedings in Case R 1973/2020-1 and of the cancellation proceedings No. 36444C.

**Pleas in law**

- Infringement of Articles 16(1)(b), 7(2)(d), 8(5) and 27(4) of Commission Delegated Regulation (EU) 2018/625 and of the requirement to state reasons and the principles of legal certainty and sound administration;
- Infringement of Articles 60(1)(c), 8(4), 95(1) and 97(1)(f) of Regulation (EU) 2017/1001 of the European Parliament and of the Council, of Articles 7(2)(d) and 10(3) and (4) of Commission Delegated Regulation (EU) 2018/625 and the relevant case-law;
- Infringement of Articles 8(1), 60(1)(c) and 8(4) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 22 August 2022 — Sastela v EUIPO — Zenergo  
(Tante Mitzi Caffè CAFFÈ — STRUDEL — BARETTO)**

**(Case T-510/22)**

(2022/C 380/31)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Sastela, proizvodnja peciva in tort, d.o.o. (Ljutomer, Slovenia) (represented by: U. Pogačnik, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Zenergo d.o.o. (Zgornja Polskava, Slovenia)

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

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

*Trade mark at issue:* European Union figurative mark Tante Mitzi Caffè CAFFÈ — STRUDEL — BARETTO — European Union trade mark No 11 425 394

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 13 June 2022 in Case R 1413/2021-2

### **Form of order sought**

The applicant claims that the Court should:

- uphold the application in this case, reform the contested decision to uphold its appeal to the Board of Appeal and reform the decision of the cancellation division to the effect of setting aside the revocation of the contested trade mark;
- in the alternative, annul the contested decision and remit the case to EUIPO for further deliberation;
- order EUIPO to pay the costs.

### **Plea in law**

- Infringement of Article 58(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 24 August 2022 — Vitromed v EUIPO — Vitromed Healthcare (VITROMED Germany)**

**(Case T-514/22)**

(2022/C 380/32)

*Language in which the application was lodged: German*

### **Parties**

*Applicant:* Vitromed GmbH (Jena, Germany) (represented by: M. Linß, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Vitromed Healthcare (Jaipur, India)

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

*Applicant for the trade mark at issue:* Applicant

*Trade mark at issue:* Application for EU figurative mark VITROMED Germany — Application No 18 209 244

*Proceedings before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 2 June 2022 in Case R 1670/2021-2

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;