

**Action brought on 30 September 2022 — Nienaber v EUIPO — St. Hippolyt Mühle Ebert (BoneKare)****(Case T-609/22)**

(2022/C 441/35)

*Language in which the application was lodged: German***Parties***Applicant:* Andreas Nienaber (Cloppenburg, Germany) (represented by: J. Eberhardt, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* St. Hippolyt Mühle Ebert GmbH (Dielheim, Germany)**Details of the proceedings before EUIPO***Proprietor of the trade mark at issue:* Applicant*Trade mark at issue:* EU word mark BoneKare — EU trade mark No 10 055 903*Proceedings before EUIPO:* Cancellation proceedings*Contested decision:* Decision of the First Board of Appeal of EUIPO of 4 August 2022 in Case R 436/2022-1**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs of the proceedings, including those incurred in the proceedings before the Cancellation Division of the defendant and its Board of Appeal.

**Pleas in law**

- Infringement of Article 7(1)(b) and (c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 59(1)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the second sentence of Article 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 30 September 2022 — Nienaber v EUIPO (BoneKare)****(Case T-610/22)**

(2022/C 441/36)

*Language of the case: German***Parties***Applicants:* Jannah Nienaber (Cloppenburg, Germany), Andreas Nienaber (Cloppenburg) (represented by: J. Eberhardt, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)

**Details of the proceedings before EUIPO**

*Trade mark at issue:* Application for EU word mark BoneKare — Application No 18 411 756

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 4 August 2022 in Case R 348/2022-1

**Form of order sought**

The applicants claim that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs of the proceedings, including the costs incurred in the proceedings before the Board of Appeal.

**Plea in law**

- Infringement of Article 7(1)(b) and (c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 30 September 2022 — Marico v EUIPO — Regal Impex (SAFFOLA)**

(Case T-611/22)

(2022/C 441/37)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Marico Ltd (Mumbai, India) (represented by: B. Collett and S. Malynicz, Barristers-at-Law)

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

Other party to the proceedings before the Board of Appeal: Regal Impex Ltd (Harrow, 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:* European Union word mark SAFFOLA — European Union trade mark No 12 568 739

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 3 July 2022 in Case R 1538/2021-5

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the intervener, should the other party to the proceedings before EUIPO decide to intervene, to pay the applicant's costs and bear their own costs.

**Pleas in law**

- The Board of Appeal infringed Article 18(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council by wrongly concluding that the European Union trade mark proprietor had demonstrated genuine use of the contested mark in respect of 'edible oils and fats';
  - The Board of Appeal erred evidentially, procedurally and legally in respect of the finding that sunflower oil is an edible fat.
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