

Action brought on 12 December 2022 — Desimo v EUIPO — Red Bull (EL TORO ROJO)

(Case T-778/22)

(2023/C 45/34)

*Language in which the application was lodged: English***Parties**

Applicant: Desimo, Lda (Lisbon, Portugal) (represented by: S. Estima Martins, J. Mioludo and D. Simões, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Red Bull GmbH (Fuschl am See, Austria)

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 figurative mark EL TORO ROJO — Application for registration No 18 026 515

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 29 September 2022 in Case R 326/2022-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and fully dismiss the opposition proceeding No B003089768;
- grant the registration of the trade mark at issue to all the designated goods and services;
- order EUIPO to bear the costs.

Plea in law

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

Action brought on 13 December 2022 — Transport Werk v EUIPO — Haus & Grund Deutschland (Haus & Grund)

(Case T-779/22)

(2023/C 45/35)

*Language in which the application was lodged: German***Parties**

Applicant: Transport Werk GmbH (Offenbach am Main, Germany) (represented by: D. Donath, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Haus & Grund Deutschland Zentralverband der Deutschen Haus-, Wohnungs- und Grundeigentümer e.V. (Berlin, Germany)

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 word mark Haus & Grund — EU trade mark No 7 161 052

Proceedings before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 26 October 2022 in Case R 84/2022-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to cancel EU word mark No 7 161 052 ‘Haus & Grund’ from the EU trade mark register for all goods and services in Classes 9, 16, 35, 36, 38, 42 and 45, namely:

Class 9: Data carriers; computer software for the buying, selling, administration, rental, construction and management of buildings, installations and facilities;

Class 16: Printed matter;

Class 35: Advertising; business management services; business administration; business consultancy and advisory services; office functions; research, collation and systematic compilation of news, including court judgements and decisions and regulations of all kinds;

Class 36: Real estate affairs; expert opinions in connection with insurance, financial affairs, real estate affairs and monetary affairs;

Class 38: News agencies, including court judgements and decisions and regulations of all kinds;

Class 42: Expert technical opinions; technical consultancy; creation of computer software for the buying, selling, rental, construction, administration and management of buildings, installations and equipment; creation of computer software to optimise the operation, cost-effectiveness, utilisation, marketing and value retention of property and equipment;

Class 45: Legal services;

- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 59(1)(a), read in conjunction with Article 7(1)(c), of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
 - Infringement of Article 59(1)(a), read in conjunction with Article 7(1)(b), of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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