



C/2024/2329

2.4.2024

Action brought on 15 February 2024 — Vinatis v EUIPO — Vinites (VINATIS)

(Case T-86/24)

(C/2024/2329)

Language in which the application was lodged: English

Parties

Applicant: Vinatis (Annecy, France) (represented by: J. Canlorbe, lawyer)

Defendant: European Union Intellectual Property Office

Other party to the proceedings before the Board of Appeal: Vinites NV (Ms Haarlem, Netherlands)

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 word mark VINATIS — Application for registration No 18 274 852

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 15 December 2023 in Case R 2110/2022-5

Form of order sought

The applicant claims that the Court should:

- partially annul the contested decision insofar as it declared that the earlier mark was genuinely used for certain services in Classes 35 and 41;
- reject the opposition in its entirety;
- order EUIPO to pay the costs, including those incurred in the proceedings before the Board of Appeal.

Pleas in law

- Infringement of Article 47(2) and (3) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in the assessment of evidence of genuine use for services in Class 35;
- Infringement of Articles 94 and 47(2) and (3) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in the assessment of evidence of genuine use for services in Class 41.