

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 31 August 2021 in Case R 1664/2020-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and/or the other party to the proceeding before the Board of Appeal to pay the costs incurred by the applicant for the General Court, appeal and the cancellation proceedings.

Pleas in law

- Infringement of Article 7(2) of Commission Delegated Regulation (EU) 2018/625;
- Infringement of Article 27(2) of Commission Delegated Regulation (EU) 2018/625 and Article 95 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the right to be heard pursuant to article 94(1) of the Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 17 November 2021 — Aprile and Commerciale Italiana v EUIPO — DC Comics partnership (Device of a stylized depiction of a black bat inside a white oval frame)

(Case T-735/21)

(2022/C 37/60)

Language of the case: English

Parties

Applicants: Luigi Aprile (San Giuseppe Vesuviano, Italy), Commerciale Italiana Srl (Nola, Italy) (represented by: C. Saettel, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: DC Comics partnership (Burbank, California, United States)

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 figurative mark (Device of a stylised depiction of a black bat inside a white oval frame) — European Union trade mark No 38 158

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 6 September 2021 in Case R 1447/2020-2

Form of order sought

The applicant claims that the Court should:

- find the application admissible;

- annul the contested decision;
- order EUIPO and the intervener to pay the costs in accordance with Article 134(1) of the Rules of Procedure of the General Court.

Pleas in law

- Infringement of Article 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 94(1) 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;
- 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.

Action brought on 19 November 2021 — Refractory Intellectual Property v EUIPO (e-tech)**(Case T-737/21)**

(2022/C 37/61)

*Language of the case: German***Parties***Applicant:* Refractory Intellectual Property GmbH & Co. KG (Vienna, Austria) (represented by: J. Schmidt, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)**Details of the proceedings before EUIPO***Trade mark at issue:* Application for EU word mark e-tech — Application for registration No 18 274 481*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 9 September 2021 in Case R 548/2021-4**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Plea in law

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

Action brought on 19 November 2021 — Bora Creations v EUIPO (essence)**(Case T-738/21)**

(2022/C 37/62)

*Language of the case: German***Parties***Applicant:* Bora Creations, SL (Andratx, Spain) (represented by: R. Lange and M. Ebner, lawyers)