

- annul the contested decision refusing registration of mark No 18 205 163, for the goods and classes ‘beers’ (Class 32) and ‘vodka’ (Class 33);
- grant the application for registration of mark No 18 205 163 for the classes and goods indicated;
- dismiss the company Uccoar’s contrary applications and form of order sought;
- order the defendant to pay the costs.

Plea in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and the Council.

Action brought on 31 October 2022 — Mood Media Netherlands v EUIPO — Tailoradio (RADIO MOOD In-store Radio, made easy)

(Case T-663/22)

(2023/C 7/47)

Language in which the application was lodged: French

Parties

Applicant: Mood Media Netherlands (Naarden, Netherlands) (represented by: A.-M. Pecoraro, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Tailoradio Srl (Milan, Italy)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for the EU figurative mark RADIO MOOD In-store Radio, made easy in the colours grey, orange and white — Application for registration No 16 150 708

Proceedings before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 23 August 2022 in Case R 1853/2018-5

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 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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