



C/2024/564

8.1.2024

Action brought on 15 November 2023 — Fresh Tropical v EUIPO — Altunyaldiz (AlīBabà)

(Case T-1082/23)

(C/2024/564)

Language in which the application was lodged: English

Parties

Applicant: Fresh Tropical Srl by Jawad (Seveso, Italy) (represented by: G. Nosengo and V. Liebermann, lawyers)

Defendant: European Union Intellectual Property Office

Other party to the proceedings before the Board of Appeal: Alper Altunyaldiz (Mainz, Germany)

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 AlīBabà — Application for registration No 17 933 232

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 12 September 2023 in joined cases R 418/2023-4 and R 427/2023-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision to the extent that the trade mark at issue was found to be entirely inadmissible with respect to all the goods;
- order the defendant and the other party to the proceeding before the Board of Appeal to bear their own costs for the present proceedings and reimburse the applicant for all its costs in the present and previous proceedings.

Plea in law

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