



C/2024/2332

2.4.2024

**Action brought on 19 February 2024 — Kapitan Navi Elżbieta Stramek i Waldemar Karpiński v
EUIPO — Homann Feinkost (Matjeshappen nach ‘Kolberger Art’)**

(Case T-90/24)

(C/2024/2332)

Language in which the application was lodged: English

Parties

Applicant: Kapitan Navi Elżbieta Stramek i Waldemar Karpiński sp.j. (Trzebiatów, Poland) (represented by: A. Brudnoch, lawyer)

Defendant: European Union Intellectual Property Office

Other party to the proceedings before the Board of Appeal: Homann Feinkost GmbH (Bad Essen, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court

Trade mark at issue: European Union word mark Matjeshappen nach ‘Kolberger Art’ — European Union trade mark No 11 838 125

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 14 December 2023 in Case R 286/2023-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- reject the request for a declaration of invalidity of the European Union trade mark Matjeshappen nach ‘Kolberger Art’ No 11 838 125;
- in the alternative, refer the case back to EUIPO for reconsideration;
- order the EUIPO and the other party to bear the costs of the proceedings and reimburse the applicant’s costs.

Pleas in law

- Infringement of Article 59(1)(a) 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) in conjunction with Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(3) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.