



C/2024/3351

3.6.2024

Action brought on 12 April 2024 – Wonderbox v EUIPO – Swile (Wonderbox)

(Case T-200/24)

(C/2024/3351)

Language in which the application was lodged: French

Parties

Applicant: Wonderbox (Paris, France) (represented by: O. Klimis, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Swile (Montpellier, France)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark Wonderbox (EU trade mark No 14 980 874)

Proceedings before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 7 February 2024 in Case R 776/2023-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in part, in so far as it cancelled the EU trade mark No 14 980 874 Wonderbox for the following goods and services:

Class 16: tickets; boxes of cardboard or paper; gift boxes; pamphlets; printed publications; trading cards, other than for games; catalogues; booklets; vouchers to be exchanged for goods or services; gift vouchers for advertising or commercial purposes;

Class 35: Advertising; direct mail advertising (tracts, prospectuses, printed matter, samples); online advertising on a computer network; rental of advertising time on communication media; publication of publicity texts; rental of advertising space; dissemination of advertising matter; distribution of purchase vouchers, gift certificates for promotional or commercial purposes; sales promotion services for others; design of advertising material; dissemination of advertising matter; provision of an online marketplace for buyers and sellers of goods and services; business information via websites; negotiation and conclusion of commercial transactions for third parties; sales promotion for others; distribution of tokens of monetary value for promotional or commercial purposes;

- order EUIPO to pay the costs.

Plea in law

- Infringement of Article 58(1)(a) and (2) in conjunction with the first sentence of Article 94 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.