

Pleas in law

- Challenge to the contested decision with regard to the *res judicata* relied on by the applicant;
 - Challenge to the Office's assessment of the similarity between the opposing marks;
 - The decision creates a monopoly of the name 'alpargata', thereby infringing the trade mark regime and the position adopted by the Office itself;
 - No likelihood of association or confusion.
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Action brought on 5 September 2019 — Itinerant Show Room v EUIPO (FAKE DUCK)**(Case T-607/19)**

(2019/C 372/35)

*Language of the case: Italian***Parties**

Applicant: Itinerant Show Room Srl (San Giorgio in Bosco, Italy) (represented by: E. Montelione, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union figurative mark FAKE DUCK — Application for registration No. 17 946 879

Contested decision: Decision of the Second Board of Appeal of EUIPO of 1 July 2019 in Case R 830/2019-2

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Failure to take into account the inherent distinctive character of the mark FAKE DUCK;
 - Failure to take into account the complexity of the mark FAKE DUCK and the picture of an egg;
 - Misapplication of the principle of equal treatment;
 - Misapplication of the principle of legality.
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