

Details of the proceedings before EUIPO

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

Trade mark at issue: Figurative mark (Representation of a polo player) — European Union trade mark No 4 049 201

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of

7 January 2019 in Case R 1272/2018-5

Form of order sought

The applicant claims that the General Court should declare that Community trade mark No 4 049 201 was preceded by industrial design 24087 and, consequently, declare that EU trade mark No 4 049 201, the property of PRL, lacks distinctiveness as laid down in the applicable rules and, consequently, annul that EU trade mark.

Pleas in law

— Infringement of Article 53(2) of Council Regulation (EU) No 207/2009.

— Infringement of national legislation on legal protection of an industrial design, and of the Intellectual Property Act.

Action brought on 20 March 2019 — Sherpa Europe v EUIPO — Núcleo de comunicaciones y control (SHERPA NEXT)

(Case T-170/19)

(2019/C 155/67)

Language in which the application was lodged: Spanish

Parties

Applicant: Sherpa Europe, SL (Erando, Spain) (represented by: M. Esteve Sanz, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Núcleo de comunicaciones y control, SL (Tres Cantos, Spain)

Details of the proceedings before EUIPO

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

Trade mark at issue: Application for EU word mark SHERPA NEXT — Application for registration No 12 891 495

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 10 December 2018 in Case R 523/2017-2

Form of order sought

The applicant claims that the General Court should:

- annul the contested decision;
- order the defendant and, if appropriate, the intervener, to bear the costs of the proceedings before the General Court, and the costs incurred in the appeal before the Board of Appeal.

Pleas in law

Infringement of Article 8(1)(b) and of Article 47(2) and (3) of Regulation (EU) No 2017/1001 of the European Parliament and of the Council.

Order of the General Court of 5 March 2019 — Buck v EUIPO — Unger Holding (BUCK)

(Case T-311/18) ⁽¹⁾

(2019/C 155/68)

Language of the case: English

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 240, 9.7.2018.
