

Action brought on 29 July 2019 — Artur Florêncio & Filhos, Affsports v EUIPO — Anadeco Gestion (sflooring)

(Case T-533/19)

(2019/C 312/39)

Language of the case: English

Parties

Applicant: Artur Florêncio & Filhos, Affsports Lda (Sintra, Portugal) (represented by: D. Martins Pereira Soares, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Anadeco Gestion, SA (Cartagena, 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 European Union figurative mark sflooring in colours black, white and grey — Application for registration No 11 943 586

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 20 May 2019 in Case R 1870/2018-4

Form of order sought

The applicant claims that the Court should:

- totally admit this appeal
- completely revoke the contested decision;
- amend the contested decision, based on the grounding in this appeal and declare the granting of European Union trademark No 11 943 588 sflooring;
- condemn the EUIPO in the costs incurred by the appellant, including in the costs made in the case that run before EUIPO;
- condemn the other party to bear the appellant's costs in the EUIPO proceedings.

Pleas in law

- Insufficiency of the proofs of genuine use of earlier trademark T-FLOORING
 - Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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