

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union tridimensional mark (Shape of a boot) — European Union trade mark No 10 168 441

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 18 May 2020 in Case R 1093/2019-1

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Infringement of the principle of *res judicata* under Articles 123 and 124 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the principles of legality, equal treatment and sound administration under Articles 123 and 124 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the principle of protection of legitimate expectations under Articles 123 and 124 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 127 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 3 August 2020 — H&H v EUIPO — Giuliani (Swisse)

(Case T-486/20)

(2020/C 320/56)

Language of the case: English

Parties

Applicant: Health and Happiness (H&H) Hong Kong Ltd (Hong Kong, China) (represented by: D. Rose, L. Flascher, Solicitors and N. Saunders, QC)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Giuliani SpA (Milan, Italy)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union figurative mark Swisse in the colours red, black and white — European Union trade mark No 3 252 152

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 25 May 2020 in Case R 2185/2019-5

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Infringement of Articles 63(2) and 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 41 of the Charter of Fundamental Rights of the European Union;
- Infringement of Article 146(7) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7 in conjunction with Article 59 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 5 August 2020 — Guerlain v EUIPO (Shape of an oblong, tapered and cylindrical lipstick)

(Case T-488/20)

(2020/C 320/57)

Language of the case: French

Parties

Applicant: Guerlain (Paris, France) (represented by: T. de Haan, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for EU tridimensional mark (Shape of an oblong, tapered and cylindrical lipstick) — Application for registration No 17 958 667

Contested decision: Decision of the First Board of Appeal of EUIPO of 2 June 2020 in Case R 2292/2019-1

Forms of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs, including those incurred by the applicant for the purposes of the proceedings before the First Board of Appeal of EUIPO.