

Action brought on 2 October 2019 – Polfarmex v EUIPO – Kaminski (SYRENA)**(Case T-677/19)**

(2019/C 399/116)

*Language of the case: English***Parties**

Applicant: Polfarmex S.A. (Kutno, Poland) (represented by: B. Matusiewicz-Kulig, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Arkadiusz Kaminski (Etobicoke, Ontario, Canada)

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: European Union word mark SYRENA – European Union trade mark No 9 262 767

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 11 July 2019 in Joined Cases R 1861/2018-2 and R 1840/2018-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision in the part declaring the trade mark at issue to remain in force for “cars” in class 12;

and

— alter the contested decision by declaring the trade mark at issue revoked in its entirety, including the goods “cars” in class 12 due to lack of genuine use;

alternatively,

— remit the case to the EUIPO;

— order the EUIPO to pay the costs of the proceedings.

Pleas in law

— Infringement of Articles 94(1) and 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in conjunction with paragraph 42 of the preamble of that Regulation and Article 55(1) of Commission Delegated Regulation (EU) 2018/625;

— Infringement of Article 58(1)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

- Infringement of Articles 18(1), 58(1)(a) and 58(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in conjunction with Articles 94(1), 95(1) and paragraph 42 of the preamble of that Regulation and Article 55(1) of Commission Delegated Regulation (EU) 2018/625;
 - Infringement of Articles 58(2) and 64(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
 - Infringement of Articles 94(1), 64(1) and paragraph 42 of the preamble of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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Action brought on 4 October 2019 – Health Product Group v EUIPO – Bioline Pharmaceutical (Enterosgel)

(Case T-678/19)

(2019/C 399/117)

Language of the case: English

Parties

Applicant: Health Product Group sp. z o.o. (Warsaw, Poland) (represented by: M. Kondrat, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Bioline Pharmaceutical AG (Baar, Switzerland)

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: International registration designating the European Union in respect of the word mark Enterosgel – International registration designating the European Union No 896 788

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 8 August 2019 in Case R 482/2018-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and cancel the trade mark;
- award the costs in applicant's favour.

Plea in law

- Infringement of Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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