

**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 Ø — Application for registration No 17 429 044

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 15 April 2020 in Case R 1375/2019-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs of this application;
- order the intervener to pay the costs of the proceedings before the Opposition Division and the Board of Appeal.

**Pleas in law**

- Failure to correctly determine the visual, phonetic or conceptual similarity;
- Failure to correctly make an overall assessment of the likelihood of confusion.

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**Action brought on 30 June 2020 — Zippo Manufacturing and Others v Commission**

(Case T-402/20)

(2020/C 271/62)

*Language of the case:* English

**Parties**

*Applicants:* Zippo Manufacturing Co. (Bradford, Pennsylvania, United States), Zippo GmbH (Emmerich am Rhein, Germany), Zippo SAS (Paris, France) (represented by: R. MacLean, Solicitor)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- annul Commission Implementing Regulation (EU) 2020/502 of 6 April 2020 on certain commercial policy measures concerning certain products originating in the United States of America to the extent that these measures apply to the applicants;
- order the defendant and any interveners to pay the applicant's costs and expenses of this procedure.

**Pleas in law and main arguments**

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging the infringement of the principle of proportionality in selecting the applicants' products for the application of the additional duties applied by the Contested Regulation on the grounds that those measures: (a) are not appropriate for attaining the objectives pursued; (b) go beyond what is necessary to achieve its objectives; and (c) entail needless adverse effects upon applicants.

2. Second plea in law, alleging the infringement of the principle of non-discrimination and equal treatment in selecting the applicants' products for additional duties applied by the Contested Regulation on the grounds that the additional duties create an unequal situation for them in the Union market without sufficient justification that the discrimination was objectively justified.
3. Third plea in law, alleging a manifest error of assessment in law and facts through failure to properly motivate the reasoning contained in the Contested Regulation and the Contested Measures in selecting the applicants' products for additional duties on the grounds that the European Commission failed to provide sufficient and adequate reasoning for applying the measures to their products.
4. Fourth plea in law, alleging a manifest error of assessment in law by infringing the Union's duties under the Agreements of the World Trade Organisation on the grounds that the European Commission was obligated under the WTO Safeguards Agreement and Article 22(3) of the WTO Dispute Settlement Understanding to suspend concessions or other obligations with respect to the same sector as that in which the nullification or impairment occurred under the relevant US safeguard measures to the detriment of the applicants' economic and commercial interests.
5. Fifth plea in law, alleging the infringement of the principle of sound administration in selecting the applicants' products for the application of additional duties applied by the Contested Regulation on the grounds that the preceding consultation process carried out was non-transparent, ineffective in providing adequate notice of that process to the applicants, deprived them of their right to be heard and infringed their legitimate expectation not to be the subject of such measures derived.

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**Action brought on 2 July 2020 — DZ Hyp v SRB**

**(Case T-405/20)**

(2020/C 271/63)

*Language of the case: German*

**Parties**

*Applicant:* DZ Hyp AG (Hamburg, Germany) (represented by: H. Berger and K. Helle, lawyers)

*Defendant:* Single Resolution Board (SRB)

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Single Resolution Board of 15 April 2020 on the calculation of contributions to the Single Resolution Fund collected in advance for 2020 (SRB/ES/2020/24), including its annexes, in so far as the contested decision, including Annex I and Annex II, concerns the applicant's contribution;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on eleven pleas in law.

1. First plea in law, alleging an infringement of the obligation to state reasons under Article 296(2) TFEU and Article 41(1) and (2)(c) of the Charter of Fundamental Rights of the European Union ('the Charter')

The applicant claims that the defendant should have given binding reasons for the decision in the German language. Furthermore, the defendant infringed the obligation to state reasons in several respects, since the decision, including its annexes, does not even in the English version declared binding give any indication of how and on what grounds the defendant calculated the applicant's contribution.