

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Consorzio DOC Bolgheri e Bolgheri Sassicaia (Castagneto Carducci, Italy)

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 BOLGARÉ — Application for registration No 16 670 937

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 21 March 2022 in Case R 2564/2019-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in its entirety;
- order EUIPO and interested party to pay the costs incurred by the applicant in relation to the present action of annulment.

Pleas in law

- Infringement of Article 46(1)(d) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 8(6) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in connection with Article 103(2)(b) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council.

Action brought on 23 May 2022 — Vinokurov v Council

(Case T-302/22)

(2022/C 276/21)

Language of the case: French

Parties

Applicant: Alexander Semenovich Vinokurov (Moscow, Russia) (represented by: É. Épron, J. Choucroun and E. Lebek, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the present application for annulment admissible and well founded;
- partially annul Council Decision (CFSP) 2022/397 ⁽¹⁾ of 9 March 2022 amending Decision 2014/145/CFSP concerning restrictive measures with regard to actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, in so far as it concerns Mr Alexander Vinokurov;
- partially annul Council Implementing Regulation (EU) 2022/396 ⁽²⁾ of 9 March 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine in so far as it concerns Mr Alexander Vinokurov;
- order the Council of the European Union to pay all the costs and expenses of the proceedings;

— reserve to the applicant all other rights, remedies and actions.

Pleas in law and main arguments

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

1. First plea in law, alleging lack of sufficiently precise and specific reasons in support of the act complained of. In support of that plea, the applicant submits, inter alia, that the Council's reasons refer to sectors of activity, whereas the criteria referred to in Decision CFSP 2022/397 refer only to specific persons. The applicant also alleges that the criterion relating to the provision of substantial revenue is not specified and that the use of the grounds does not correspond to any relevant criteria raised by the Council. Finally, the applicant considers that the ground relating to the support or implementation of actions or policies differs from the relevant criterion, which is 'material or financial' support for the Government of the Russian Federation.
2. Second plea in law, alleging that the Council committed a manifest error of assessment with regard to the relevant criteria used by it, namely, material or financial support for Russian decision-makers, taking advantage of the Government of the Russian Federation or providing a substantial source of income to that Government.
3. Third plea in law, alleging infringement of the principle of proportionality, on the grounds that the extension of the inclusion criteria now makes it possible to penalise persons with no connection with the situation in Ukraine. Thus, it is argued that the Council refers to the provision of substantial sources of income by certain sectors of activity but does not consider either the applicant's market share in those sectors or the applicant's capital holding in the companies mentioned.
4. Fourth plea in law, alleging violation of the applicant's rights of defence and effective judicial protection.

(¹) Council Decision (CFSP) 2022/397 of 9 March 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 80, p. 31).

(²) Council Implementing Regulation (EU) 2022/396 of 9 March 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 80, p. 1).

Action brought on 23 May 2022 — Dicofarm v EUIPO — Marco Viti Farmaceutici (Vitis pharma Dicofarm group)

(Case T-303/22)

(2022/C 276/22)

Language in which the application was lodged: Italian

Parties

Applicant: Dicofarm SpA (Rome, Italy) (represented by: F. Ferrari, L. Goglia and G. Rapaccini, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Marco Viti Farmaceutici SpA (Vicenza, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark Vitis pharma Dicofarm group — EU trade mark No 17 880 952

Proceedings before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 16 March 2022 in Case R 1050/2021-2