

### Pleas in law and main arguments

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

1. First plea in law, alleging that the contested decision errs on the calculation of the number of free emission allowances to be allocated to Carmeuse's installations. Indeed, the Commission committed a manifest error of law and a manifest error of assessment, as the contested Decision is based on the Commission's request to Carmeuse to use a calculation method that contradicts the regulatory acts issued for Carmeuse installations.
2. Second plea in law, alleging that the Commission breached several fundamental principles of EU law when issuing the contested decision, namely the principle of equality, the principle of certainty and legitimate expectations and Carmeuse's right to good administration and right of defence.
3. Third plea in law, alleging the contested decision is insufficiently reasoned as regards the number of free emission allowances allocated to Carmeuse's installations, in that it does not detail the decision-making process, nor the reasons for rejecting Carmeuse's arguments, despite them being raised in various instances, and it does not address the essential reasons for which the formula applied by the Commission supersedes the binding legislation.

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(<sup>1</sup>) Commission Decision of 21 April 2022 instructing the Central Administrator of the European Union Transaction Log to enter changes to the national allocation tables of Bulgaria, Czechia, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovakia, Finland and Sweden into the European Union Transaction Log 2022/C 236/04 — C/2022/2590 (OJ 2022 C 236, p. 5).

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### Action brought on 9 September 2022 — Chmielarz v EUIPO — Granulat (granulat)

(Case T-557/22)

(2022/C 418/64)

*Language in which the application was lodged: English*

### Parties

*Applicant:* Arkadiusz Chmielarz (Olsztyn, Poland) (represented by: D. Sęczkowski, Advocate)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Granulat GmbH (Troisdorf, Germany)

### 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 granulat — Application for registration No 18 066 758

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 30 June 2022 in Case R 1197/2021-4

### Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- annul the decision of the Opposition Division to the extent the opposition was upheld;
- order EUIPO to register the contested trade mark application;
- order EUIPO to pay the costs.

**Plea in law**

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 9 September 2022 — CFA Institute v EUIPO — Global Chartered Controller Institute (CCA Chartered Controller Analyst CERTIFICATE)****(Case T-561/22)**

(2022/C 418/65)

*Language in which the application was lodged: English***Parties**

*Applicant:* CFA Institute (Charlottesville, Virginia, United States) (represented by: W. May and G. Engels, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Global Chartered Controller Institute SL (Alicante, Spain)

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Other party to the proceedings before the Board of Appeal

*Trade mark at issue:* Application for European Union figurative mark CCA Chartered Controller Analyst CERTIFICATE — Application for registration No 15 508 161

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 9 June 2022 in Case R 1660/2021-2

**Form of order sought**

The applicant claims that the Court should:

- uphold the appeal action against the contested decision in its entirety, annul the contested decision and reject the application for registration entirely;
- order the intervener to bear the fees and costs incurred by the applicant in the proceedings.

**Pleas in law**

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 9 September 2022 — Noah Clothing v EUIPO — Noah (NOAH)****(Case T-562/22)**

(2022/C 418/66)

*Language in which the application was lodged: English***Parties**

*Applicant:* Noah Clothing LLC (New York, New York, United States) (represented by: W. Leppink, lawyer)