

— order anyone opposing the action 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.

Action brought on 13 September 2022 — Sports Group Denmark v EUIPO (ENDURANCE)

(Case T-566/22)

(2022/C 424/56)

Language of the case: English

Parties

Applicant: Sports Group Denmark A/S (Silkeborg, Denmark) (represented by: T. Kruse Lie, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the mark figurative ENDURANCE — Application for registration No 1 542 490

Contested decision: Decision of the Second Board of Appeal of EUIPO of 8 July 2022 in Case R 1779/2021-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in so far as it refused registration as an European Union trade mark of the figurative sign ENDURANCE in respect of the goods and services in Classes 9, 25, 28 and 35;
- order EUIPO to bear its own costs and to pay those incurred by the applicant, including the expenses necessarily incurred for the purpose of the appeal proceedings before the Board of Appeal of EUIPO.

Plea in law

— Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 15 September 2022 — Bora Creations v EUIPO — True Skincare (TRUE SKIN)

(Case T-576/22)

(2022/C 424/57)

Language in which the application was lodged: English

Parties

Applicant: Bora Creations, SL (Andratx, Spain) (represented by: R. Lange and M. Ebner, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: True Skincare Ltd (Ascot, United Kingdom)

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 word mark TRUE SKIN — Application for registration No 18 170 353

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 21 June 2022 in Case R 1712/2021-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the intervener 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.

Action brought on 16 September 2022 — EDPS v Parliament and Council

(Case T-578/22)

(2022/C 424/58)

Language of the case: English

Parties

Applicant: European Data Protection Supervisor (represented by: D. Nardi, T. Zerdick, A. Buchta and F. Coudert, acting as Agents)

Defendants: European Parliament, Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Article 74a and Article 74b of Regulation 2016/794 ⁽¹⁾ as amended by Regulation 2022/991 ⁽²⁾;
- condemn the defendants to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on one plea in law, alleging violation of the independence and powers of the applicant as a supervisory authority because of the infringement of the principle of legal certainty and of the principle of non-retroactivity of legal acts. The applicant alleges infringement of Article 8(3) of the EU Charter of Fundamental Rights, Article 55 of Regulation (EU) 2018/1725 ⁽³⁾ read in conjunction with Article 43(1) and (3)(e) of Regulation (EU) 2016/794 as amended by Regulation (EU) 2022/991.

The applicant claims that his standing to bring an action for annulment under Article 263 TFEU is justified by the need to be able to dispose of a judicial remedy to defend his institutional prerogatives, in particular his independence as a supervisory authority under Article 8(3) of the Charter of Fundamental Rights, and the institutional balance between the role of supervisory authorities and the role of the legislator.