

**Action brought on 15 February 2023 — DDP Specialty Electronics Materials US 8 v EUIPO —
Taniobis (AMBERTEC)**

(Case T-76/23)

(2023/C 121/17)

Language in which the application was lodged: English

Parties

Applicant: DDP Specialty Electronics Materials US 8 llc (Collegeville, Pennsylvania, United States) (represented by: G. Gibbons, SC, R. Minch and A. Bateman, Solicitors)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Taniobis GmbH (Goslar, 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 word mark AMBERTEC — Application for registration No 18 104 742

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 14 November 2022 in Case R 1988/2021-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and/or the intervener (if appropriate) to pay the applicant's costs including the costs incurred before the Board of Appeal.

Pleas in law

- Infringement of Articles 94(1) and 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the applicant's fundamental rights including the principle of equality of arms, the right to a fair trial and the applicant's defence rights;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 16 February 2023 — Jaw de Croon v CPVO — Belgicactus (Belsemred1)

(Case T-77/23)

(2023/C 121/18)

Language in which the application was lodged: English

Parties

Applicant: Jaw de Croon Holding BV (Apeldoorn, Netherlands) (represented by: T. Overdijk, lawyer)

Defendant: Community Plant Variety Office (CPVO)

Other party to the proceedings before the Board of Appeal: Belgicactus BVBA (Westerlo, Belgium)

Details of the proceedings before CPVO

Proprietor of the Community plant variety right at issue: Other party to the proceedings before the Board of Appeal

Community plant variety right at issue: Community Plant Variety Right Belsemred1

Procedure before CPVO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Board of Appeal of CPVO of 16 December 2022 in Case A024/2021

Form of order sought

The applicant claims that the Court should:

- annul or set aside the contested decision;
- order the CPVO to declare the Community Plant Variety Right granted to 'Belsemred1' null and void; or alternatively, order the CPVO to undertake further evidence taking on issues to be identified by the General Court;
- Order the CPVO to bear its own costs and pay and/or reimburse the costs of these proceedings incurred by the Appellant in accordance with applicable rules.

Pleas in law

- Infringement of essential procedural requirements;
- Infringement of Regulation (EU) 2100/94 of the Council or any rule of law relating to their application, including the Treaty on the European Union and the Treaty on the Functioning of the European Union.

Action brought on 17 February 2023 — Google v EUIPO — EPay (GPAY)

(Case T-78/23)

(2023/C 121/19)

Language in which the application was lodged: English

Parties

Applicant: Google LLC (Mountain View, California, United States) (represented by: C. Schmitt and M. Kinkeldey, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: EPay AD (Sofia, Bulgaria)

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 GPAY — Application for registration No 18 138 507

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 30 November 2022 in Case R 1761/2021-4