

**Action brought on 15 March 2023 — Vintae Luxury Wine Specialists v EUIPO — Grande Vitae (vintae)**

**(Case T-136/23)**

(2023/C 173/45)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Vintae Luxury Wine Specialists SLU (Logroño, Spain) (represented by: L. Broschat García and L. Polo Flores, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Grande Vitae GmbH (Delmenhorst, Germany)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* European Union figurative mark vintae — European Union trade mark No 5 851 092

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 16 January 2023 in Case R 2238/2021-1

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to declare valid the trade mark at issue for goods and services in Classes 33 and 35;
- order EUIPO and the intervener, Grande Vitae GmbH, to pay all the costs of the dispute before the General Court, including those relating to the procedure before the First Board of Appeal.

**Pleas in law**

- Infringement of Article 60(1)(a) in conjunction with Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 61 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 23 March 2023 — Kirov v EUIPO — Pasticceria Cristiani (CRISTIANI)**

**(Case T-149/23)**

(2023/C 173/46)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Georgi Kirov (Prague, Czech Republic) (represented by: J. Matzner, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Pasticceria Cristiani Sas di Sergio Cristiani & C. (Livorno, Italy)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* European Union figurative mark CRISTIANI — European Union trade mark No 13 498 381

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 16 January 2023 in Case R 835/2022-1

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision in its entirety;
- order the defendant and the intervener to pay the costs.

**Pleas in law**

- Infringement of Article 94 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 58 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 23 March 2023 — Poland v European Commission**

(Case T-156/23)

(2023/C 173/47)

*Language of the case:* Polish

**Parties**

*Applicant:* Republic of Poland (represented by: B. Majczyna and S. Żyrek, acting as Agents)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the European Commission contained in the letter of 13 January 2023 <sup>(1)</sup> relating to the offsetting of the amounts receivable by way of the daily penalty payments imposed by the order of the Vice-President of the Court of Justice of 27 October 2021, *Commission v Poland* (C-204/21 R, EU:C:2021:878), with regard to the period from 30 August to 28 October 2022;
- order the European Commission to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on the following pleas in law: infringement of Articles 101 and 102 of Regulation 2018/1046, <sup>(2)</sup> read in conjunction with Article 98 thereof, as a result of the application of the procedure for recovering the amounts receivable by offsetting despite the fact that the order of 27 October 2021 imposed daily penalties during the period until the date of compliance with the order of 14 July 2021, *Commission v Poland* (C-204/21 R, EU:C:2021:593), and, on 15 July 2022, the provisions the suspension of whose application was required by the order of 14 July 2021 ceased to apply.

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<sup>(1)</sup> Letter from the European Commission dated 13 January 2023, Ref. ARES(2023)240070.

<sup>(2)</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ 2018 L 193, p. 1).

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