

### 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 breach of Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 ('the Conditionality Regulation'),<sup>(1)</sup> of the duty to provide adequate reasons, the principle of proportionality, Article 16 of the Charter of Fundamental Rights of the EU, and Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018.<sup>(2)</sup>
  - The applicant submits that the Commission and the Council (i) failed to establish the relevance of the breach to the sound financial management of the EU budget or to the protection of the EU's financial interests and failed to establish the genuine link between the breach and the serious risk of affecting the sound financial management of the EU budget or the protection of the EU's financial interests; and (ii) failed to establish the proportionality of the measure under Article 5(3) of the Conditionality Regulation. The applicant further considers that the Commission and the Council committed errors of assessment, infringed the Conditionality Regulation, and breached the duty to provide adequate reasons in this regard.
2. Second plea in law, alleging breach of the principle of presumption of innocence and breach of the principle of equal treatment and non-discrimination.
3. Third plea in law, alleging breach of the right to operate on an undistorted market (Article 16 of the Charter of Fundamental Rights of the EU in conjunction with Articles 101-108 TFEU).
4. Fourth plea in law, alleging breach of the principles of legal certainty, legitimate expectations and the infringement of essential procedural requirements.

In the context of its first, second and fourth pleas, the applicant also enters a plea of illegality against the Conditionality Regulation, in case that the Regulation excludes individual exemptions from the application of the contested decision.

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- <sup>(1)</sup> Council Implementing Decision (EU) 2022/2506 of 15 December 2022 on measures for the protection of the Union budget against breaches of the principles of the rule of law in Hungary (OJ 2022 L 325, p. 94).
- <sup>(2)</sup> Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 1 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ 2020 L 433I, p. 1).
- <sup>(3)</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 296/2013, (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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### Action brought on 17 April 2023 — Domingo Alonso Group v EUIPO — Ald Automotive and Salvador Caetano Auto (my CARFLIX)

(Case T-200/23)

(2023/C 235/58)

*Language in which the application was lodged: Spanish*

### Parties

*Applicant:* Domingo Alonso Group, SL (Las Palmas de Gran Canaria, Spain) (represented by: J. García Domínguez, lawyer)

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

*Other parties to the proceedings before the Board of Appeal:* Ald Automotive, SA (Majadahonda, Spain), Salvador Caetano Auto (SGPS), SA (Vila Nova de Gaia, Portugal)

### Details of the proceedings before EUIPO

*Proprietors of the trade mark at issue:* Applicant before the General Court Domingo Alonso Group, SL and the other party to the proceedings before the Board of Appeal Salvador Caetano Auto (SGPS), SA

*Trade mark at issue:* Figurative mark my CARFLIX — European Union trade mark No 18 124 505

*Proceedings before EUIPO*: Cancellation proceedings

*Contested decision*: Decision of the Fifth Board of Appeal of EUIPO of 24 October 2022 in Case R 2213/2021-5

### **Form of order sought**

The applicant claims that the Court should annul the contested decision and order the defendant to pay the costs of the present proceedings and of the earlier proceedings before the Fifth Board of Appeal of EUIPO.

### **Plea in law**

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

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**Action brought on 20 April 2023 — Laboratorios Ern v EUIPO — Cannabinoids Spain (Sanoid)**

**(Case T-206/23)**

(2023/C 235/59)

*Language in which the application was lodged: Spanish*

### **Parties**

*Applicant*: Laboratorios Ern, SA (Barcelona, Spain) (represented by: T. González Martínez, lawyer)

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

*Other party to the proceedings before the Board of Appeal*: Cannabinoids Spain SLU (Córdoba, Spain)

### **Details of the proceedings before EUIPO**

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

*Trade mark at issue*: Application for EU figurative mark Sanoid — Application for registration No 18 091 726

*Proceedings before EUIPO*: Opposition proceedings

*Contested decision*: Decision of the Fifth Board of Appeal of EUIPO of 3 February 2023 in Joined Cases R 1024/2022-5 and R 1036/2022-5

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- reject EU trade mark application No 18 091 726 Sanoid for Classes 3, 5, 31, 32, 35, 41, 42 and 44;
- order EUIPO and, if appropriate, 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.

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