

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union position mark representing the position of a combination of presentational features — Application for registration No 18 131 030

Contested decision: Decision of the Second Board of Appeal of EUIPO of 13 April 2023 in Case R 60/2021-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- as a subsidiary claim, annul the contested decision in relation to the goods in class 7;
- order EUIPO to bear the costs.

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 6 July 2023 — Habitat Barcelona Unión Constructora v EUIPO — Acomodeo Marketplace (ACOMODEO)

(Case T-365/23)

(2023/C 304/32)

Language in which the application was lodged: English

Parties

Applicant: Habitat Barcelona Unión Constructora SL (Barcelona, Spain) (represented by: R. Guerras Mazón, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Acomodeo Marketplace GmbH (Frankfurt am Main, Germany)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union word mark ACOMODEO — European Union trade mark No 15 523 863

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 28 March 2023 in Case R 713/2022-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and reject the trade mark at issue for all services in Classes 35, 38 and 42;
- order EUIPO and the other party to the proceedings before the Board of Appeal, should it intervene, to pay the costs.

Plea in law

- Infringement of Articles 60(1)(a) and of 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 10 July 2023 — Marcegaglia Specialties v Commission**(Case T-378/23)**

(2023/C 304/33)

*Language of the case: English***Parties**

Applicant: Marcegaglia Specialties SpA (Gazoldo degli Ippoliti, Italy) (represented by: F. Di Gianni, A. Scalini and G. Pregno, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission Implementing Regulation (EU) 2023/825 of 17 April 2023 extending the anti-dumping duty imposed by Implementing Regulation (EU) 2020/1408 on imports of certain hot rolled stainless steel sheets and coils originating in Indonesia to imports of certain hot rolled stainless steel sheets and coils consigned from Türkiye, whether declared as originating in Türkiye or not (OJ 2023, L 103, p. 12; the Contested Regulation), insofar as the applicant is concerned; and
- order the Commission to bear the costs of the proceeding.

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 Regulation violated Article 13(1) and 13(2) of the Basic Regulation, insofar as the Commission committed a manifest error of assessment by concluding that the manufacturing process carried out in Türkiye constitutes an ‘assembly/completion operation’.
2. Second plea in law, alleging that the Contested Regulation violated Article 13(1) of the Basic Regulation, insofar as the Commission committed a manifest error of assessment by considering that there was no sufficient due cause or economic justification for the processing operation carried out in Türkiye.
3. Third plea in law, alleging that the Contested Regulation is unlawful insofar as it extended the duty in force against imports of certain hot rolled stainless steel sheets and coils (SSHR) originating in Indonesia to imports of SSHR manufactured in Türkiye from stainless steel slabs of origin other than Indonesian.

Action brought on 10 July 2023 — Çolakoğlu Metalurji v Commission**(Case T-379/23)**

(2023/C 304/34)

*Language of the case: English***Parties**

Applicant: Çolakoğlu Metalurji AŞ (İstanbul, Türkiye) (represented by: J. Cornelis and F. Graafsma, lawyers)