

5. Fifth plea in law: invalidity of the invoices issued on the basis of the contested decision

- On the basis of the declaration of annulment of ECHA Decision No SME (2016) 2851, the invoices forming the basis of ECHA's payment requests must be declared invalid. The fees charged are also not owed because, at the time when ECHA Decision No SME (2016) 2851 was adopted and the invoices were issued, the applicant was not under any obligation to register in the REACH system.

Action brought on 1 September 2016 — Shoe Branding Europe v EUIPO — adidas (Device of two parallel stripes on a shoe)

(Case T-629/16)

(2016/C 402/62)

Language in which the application was lodged: English

Parties

Applicant: Shoe Branding Europe BVBA (Oudenaarde, Belgium) (represented by: J. Løje, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: adidas (Herzogenaurach, Germany)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: position mark (Device of two parallel stripes on a shoe) — EU trade mark No 8 398 141

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 8 June 2016 in Case R 597/2016-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Plea in law

- Infringement of Article 8(5) of Regulation No 207/2009;
- Distortion of facts.

Action brought on 5 September 2016 — Dehtochema Bitumat v European Chemicals Agency

(Case T-630/16)

(2016/C 402/63)

Language of the case: Czech

Parties

Applicant: Dehtochema Bitumat, s.r.o. (Bělá pod Bezdězem, Czech Republic) (represented by: P. Holý, lawyer)

Defendant: European Chemicals Agency (ECHA)