

— order EUIPO to pay the costs.

Pleas in law

- Infringement of Art. 8(1)(b) of Regulation No 207/2009 misconstruction of the case-law related to the issues in question;
- Infringement of Art. 8(5) of Regulation No. 207/2009 and distortion of evidence.

Action brought on 17 February 2017 — Recordati Orphan Drugs v EUIPO — Laboratorios Normon (NORMOSANG)

(Case T-103/17)

(2017/C 121/60)

Language in which the application was lodged: English

Parties

Applicant: Recordati Orphan Drugs (Puteaux, France) (represented by: J. Quirin, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Laboratorios Normon SA (Tres Cantos, Spain)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'NORMOSANG' — Application for registration No 12 174 926

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 22 November 2016 in Case R 831/2016-5

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Rules 19(2)(a)(ii) and 20(1) of Regulation No 2868/95.

Action brought on 17 February 2017 — ClientEarth v Commission

(Case T-108/17)

(2017/C 121/61)

Language of the case: English

Parties

Applicant: ClientEarth (London, United Kingdom) (represented by: A. Jones, Barrister)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the application admissible and well-founded;
- annul the European Commission's decision, dated 7 December 2016 ('the Contested Decision'), refusing to review its Decision C(2016) 3549 ('the Authorisation Decision') granting to the undertakings VinyLoop Ferrara SpA, Stena Recycling AB, and Plastic Planet srl an authorisation for the use of a chemical known as bis(2-ethylhexyl) phthalate under Regulation (EC) No 1907/2006 ⁽¹⁾;
- annul the Authorisation Decision;
- order the Commission to pay the applicant's costs; and
- order any other measure deemed appropriate.

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 that the Contested Decision is vitiated by manifest errors of law and assessment regarding the alleged conformity of the application for authorisation of VinyLoop, Stena, and Plastic Planet within the meaning of Article 62 and Article 60(7) of Regulation (EC) No 1907/2006.
2. Second plea in law, alleging that the Contested Decision is vitiated by manifest errors of law and assessment under Article 60(4) of Regulation (EC) No 1907/2006 regarding the socio-economic assessment.
3. Third plea in law, alleging that the Contested Decision is vitiated by manifest errors of assessment under Article 60(4) and 60(5) of Regulation (EC) No 1907/2006 regarding the analysis of alternatives.
4. Fourth plea in law, alleging that the Contested Decision is vitiated by a manifest error of law and assessment regarding the application of the precautionary principle in the context of the authorisation process under Regulation (EC) No 1907/2006.

⁽¹⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ 2006, L 396, p. 1).

Action brought on 21 February 2017 — FCA US v EUIPO — Busbridge (VIPER)

(Case T-109/17)

(2017/C 121/62)

Language in which the application was lodged: English

Parties

Applicant: FCA US LLC (City of Auburn Hills, Michigan, United States) (represented by: C. Morcom, QC)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Robert Dennis Busbridge (Hookwood, United Kingdom)