

- Infringement of Articles 7(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 72(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 29 June 2020 — Hypo Vorarlberg Bank v SRB

(Case T-394/20)

(2020/C 271/58)

Language of the case: German

Parties

Applicant: Hypo Vorarlberg Bank AG (Bregenz, Austria) (represented by: G. Eisenberger und A. Brenneis, lawyers)

Defendant: Single Resolution Board (SRB)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Single Resolution Board of 15 April 2020 on the calculation of the 2020 *ex ante* contributions to the Single Resolution Fund (SRB/ES/2020/24), including the annexes thereto, in any event in so far as the contested decision, including the annexes thereto, concerns the contribution to be paid by the applicant; and
- order the Single Resolution Board to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law, which are essentially identical or similar to the pleas in law put forward in Case T-479/19, *Hypo Vorarlberg Bank v SRB*.⁽¹⁾

⁽¹⁾ OJ 2019 C 305, p. 58

Action brought on 26 June 2020 — Riviera-Airport v EUIPO — Aéroports de la Côte d'Azur (RIVIERA AIRPORTS)

(Case T-396/20)

(2020/C 271/59)

Language of the case: English

Parties

Applicant: Aeroporto di Villanova d'Albenga SpA (Riviera-Airport) (Villanova d'Albenga, Italy) (represented by: G. Casucci, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Aéroports de la Côte d'Azur (Nice, France)

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 figurative mark RIVIERA AIRPORTS in colour — European Union trade mark No 16 397 309

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 24 April 2020 in Case R 2172/2019-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- alter the contested decision to:
 - allow the applicant's appeal,
 - grant in its entirety the applicant's cancellation application No. 20 825 C to declare the trade mark at issue invalid,
 - order the European Union trade mark proprietor to pay the applicant's costs before of the Board of Appeal and the Cancellation Division,
 - alternatively remit the case to the Cancellation Division to address Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- order the payment of the applicant's fees and costs.

Pleas in law

- Failure to interpret the correct ruling of bad faith application;
- Wrong and partial analysis and evaluation of the relevant indicia required in the overall and case-by-case assessment of the bad faith application;
- Failure to consider all the other relevant indicia and the available evidence of the bad faith according to the required overall and case-by-case assessment of the bad faith application;
- Wrong interpretation and enforcement of Article 12(2) of Commission Delegated Regulation (EU) 2018/625 to the case at issue;
- Failure of the Board of Appeal to carry out a correct analysis.

Action brought on 26 June 2020 — Riviera-Airport v EUIPO — Aéroports de la Côte d'Azur (RIVIERA AIRPORT)

(Case T-398/20)

(2020/C 271/60)

Language of the case: English

Parties

Applicant: Aeroporto di Villanova d'Albenga SpA (Riviera-Airport) (Villanova d'Albenga, Italy) (represented by: G. Casucci, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Aéroports de la Côte d'Azur (Nice, France)