Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant before the General Court

Design at issue: Community design No 141999-0002

Contested decision: Decision of the Third Board of Appeal of EUIPO of 15 May 2020 in Case R 2413/2018-3

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— dismiss the appeal of other party to the proceedings before the Board of Appeal 11 December 2018 against the decision of the Invalidity Division of EUIPO of 25 October 2018;

— order EUIPO to pay the costs, including the costs of the appeal proceedings.

Pleas in law

— Infringement of Article 25(1)(b) of Council Regulation (EC) No 6/2002;

— Infringement of Article 6(1)(a) of Council Regulation (EC) No 6/2002;

— Infringement of Article 7(1) of Council Regulation (EC) No 6/2002;

— Infringement of Article 63(2) of Council Regulation (EC) No 6/2002.

Action brought on 13 July 2020 — VeriGraft v EASME

(Case T-457/20)

(2020/C 297/62)

Language of the case: English

Parties

Applicant: VeriGraft AB (Gothenburg, Sweden) (represented by: P. Hansson and M. Persson, lawyers)

Defendant: Executive Agency for Small and Medium-sized Enterprises

Form of order sought

The applicant claims that the Court should:

— find and declare that EASME's recovery order concerning costs amounting to in total EUR 258 588,80 is invalid;

— find and declare that the costs rejected by EASME (in whole or in part) amounting to in total EUR 258 588,80 constitute eligible costs;

— find and declare that EASME's debit note of EUR 106 928,74 is invalid; and,

— order EASME to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on three main pleas in law.

1. First plea in law, alleging that the recovery order infringes the right to good administration:

— from the recovery order, including annexes, it is not possible to understand what specific costs were rejected by EASME, and on what basis these costs were rejected. The right to good administration enshrined in article 41 in the Charter of Fundamental Rights of the European Union, and more specifically the obligation to state reasons, is therefore infringed.

2. Second plea in law, alleging that the rejected costs are eligible under the grant agreement:

— the rejected costs are in any event eligible under the terms of the grant agreement concluded between VERIGRAFT and EASME as they were mentioned in the grant agreement and reported in periodic reports approved by EASME.

3. Third plea in law, alleging that the debit note is in any event invalid as VERIGRAFT rejected costs are eligible under the grant agreement:

— VERIGRAFT has incurred costs that exceed those that EASME seek to recover through the recovery order and the debit note is thus, in any event, invalid also on this ground.

Action brought on 21 July 2020 — Eggy Food v EUIPO (YOUR DAILY PROTEIN)

(Case T-464/20)

(2020/C 297/63)

Language of the case: German

Parties

Applicant: Eggy Food GmbH & Co. KG (Osnabrück, Germany) (represented by: J. Eberhardt, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for EU figurative mark YOUR DAILY PROTEIN — Application for registration No 17 953 235

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 8 May 2020 in Case R 2235/2019-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order the publication of the application for registration of the EU mark No 17 953 235;

— order EUIPO to pay the costs.

Pleas in law

— Infringement of Article 7(1)(b) and (c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 24 July 2020 — LD v Commission

(Case T-474/20)

(2020/C 297/64)

Language of the case: Italian

Parties

Applicant: LD (represented by: M. Velardo, lawyer)

Defendant: European Commission