

- annul in whole the Debit Note addressed to the Applicant, for the amount of 196 199,84 Euros, N° 7010000021, dated 15 January 2021 and
- order the European Parliament to pay the applicant's costs in the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that the European Parliament acted without regard to Article 137 of Staff Regulations of Officials and the Conditions of Employment of Other Servants the European Economic Community and the European Atomic Energy Community. ⁽¹⁾
2. Second plea in law, alleging that the European Parliament misdirected itself in law and failed to apply the correct standard of 'undue payment' under Articles 32 and 68 of Decision of the Bureau of 19 May and 9 July 2008, concerning implementing measures for the Statute for Members of the European Parliament. ⁽²⁾
3. Third plea in law, alleging that the European Parliament failed to have regard to a Member's right to freedom and independence, under Articles 2 and 21 of the Statute for Members of the European Parliament. ⁽³⁾
4. Forth plea in law, alleging failure to give reasons under Article 296 TFEU in dismissing sixty eight out of seventy eight documents submitted by the Member, as 'inadmissible' evidence, failure to give reasons for considering that the whole salary was 'unduly paid', even though only six months of the thirty month contract were fully investigated, and failure to give reasons for contradicting OLAF's findings, which exonerated the Applicant of any dishonesty.
5. Fifth plea in law, alleging manifest errors of fact.

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- ⁽¹⁾ Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 1962 P 45, p. 1385)
- ⁽²⁾ Decision of the Bureau of 19 May and 9 July 2008 concerning implementing measures for the Statute for Members of the European Parliament (2009/C 159/01) (OJ 2009 C 159, p. 1)
- ⁽³⁾ Decision of the European Parliament of 28 September 2005 adopting the Statute for Members of the European Parliament (2005/684/EC, Euratom) (OJ 2005 L 262, p. 1).

Action brought on 10 May 2021 — Zdút v EUIPO — Nehera and Others (nehera)

(Case T-250/21)

(2021/C 278/72)

Language of the case: English

Parties

Applicant: Ladislav Zdút (Bratislava, Slovakia) (represented by: Y. Echevarría García, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other parties to the proceedings before the Board of Appeal: Isabel Nehera (Sutton, Ontario, Canada), Jean-Henri Nehera (Burnaby, British Columbia, Canada), Natasha Sehnal (Montferrier-sur-Lez, France)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court

Trade mark at issue: European Union word figurative nehera mark in black — European Union trade mark No 11 794 112

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 10 March 2021 in Case R 1216/2020-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs including those incurred in the proceedings before EUIPO.

Plea in law

- Infringement of Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 15 May 2021 — Domator24.com Paweł Nowak v EUIPO — Siwek and Didyk (Chairs)

(Case T-256/21)

(2021/C 278/73)

Language in which the application was lodged: Polish

Parties

Applicant: Domator24.com Paweł Nowak (Zielona Góra, Poland) (represented by: T. Gawliczek, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other parties to the proceedings before the Board of Appeal: Piotr Siwek (Gdańsk, Poland) and Sebastian Didyk (Gdańsk)

Details of the proceedings before EUIPO

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

Design at issue: European Union design No 3 304 021-0001 (chairs)

Proceedings before EUIPO: Invalidity proceedings

Contested decision: Decision of the Third Board of Appeal of EUIPO of 15 March 2021 in Case R 1275/2020-3

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order the unsuccessful party to pay the costs incurred by the applicant in the proceedings before the General Court of the European Union and — pursuant to Article 190(2) of the Rules of Procedure of the General Court — any costs necessarily incurred by the applicant for the purposes of the proceedings before the Board of Appeal of EUIPO;
- in the event of intervention in the proceedings by other parties, order those parties to bear their own costs.

Pleas in law relied on

- Infringement of Article 25(1)(b) of Council Regulation (EC) No 6/2002, read in conjunction with Article 7(1) thereof, through an assumption that the design lacked individual character at the date of filing;