

5. Fifth plea in law, alleging that the defendant violated the principle of good administration, its duty of care, as well as Article 41 of the Charter and the principle of legal certainty, because the applicant, being a UK staff member, didn't have clarity as to his legal position in the defendant for almost two years.
6. Sixth pleas in law, alleging that the contested decision creates discrimination on the grounds of the applicant's health.

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(<sup>1</sup>) 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 45, p. 1385).

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**Action brought on 11 October 2021 — H/2 Credit Manager v EUIPO — Hcapital Partners SCR (H/2 CAPITAL PARTNERS)**

**(Case T-656/21)**

(2021/C 502/55)

*Language of the case: English*

**Parties**

*Applicant:* H/2 Credit Manager LP (Stamford, Connecticut, United States) (represented by: S. Malynicz, Barrister-at-Law, and J. Bittner, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Hcapital Partners SCR, SA (Lisbon, Portugal)

**Details of the proceedings before EUIPO**

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

*Trade mark at issue:* Application for European Union word mark H/2 CAPITAL PARTNERS — Application for registration No 17 599 374

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 16 July 2021 in Case R 1954/2019-5

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party (if it takes part in these proceedings) to pay the costs.

**Pleas in law**

- The Board of Appeal wrongly held that the relevant public included the general public;
- The Board of Appeal failed to consider the two marks as respective wholes, taking account of their dominant and distinctive elements.

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**Action brought on 15 October 2021 — YF v EFCA**

**(Case T-664/21)**

(2021/C 502/56)

*Language of the case: French*

**Parties**

*Applicant:* YF (represented by: M. Casado García-Hirschfeld, lawyer)

*Defendant:* European Fisheries Control Agency

### **Form of order sought**

The applicant claims that the Court should:

— declare the present application admissible and well founded;

in consequence,

— annul the contested decision of 18 February 2021 by which the applicant's contract as a member of the temporary staff for an indefinite period was terminated; and annul, in so far as necessary, the rejection decision of 5 July 2021;

— order the defendant to pay all the costs.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on a single plea in law, which is divided into two parts.

1. First part, alleging a manifest error of assessment.
2. Second part, alleging infringement of the principle of sound administration and of the principle of proportionality.

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## **Action brought on 12 October 2021 — BAWAG PSK v ECB**

**(Case T-667/21)**

(2021/C 502/57)

*Language of the case: English*

### **Parties**

*Applicant:* BAWAG PSK Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse AG (Wien, Austria) (represented by: H. Bälz and D. Bliesener, lawyers)

*Defendant:* European Central Bank

### **Form of order sought**

The applicant claims that the Court should:

— annul the defendant's decision of 2 August 2021 <sup>(1)</sup>; and

— order the defendant to pay the costs.

### **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 defendant is incompetent to impose absorption interest under Sec. 97(1) of the Austrian Banking Act ('BWG').
2. Second plea in law, alleging that the imposition of absorption interest under Sec. 97(1) BWG is time barred.
3. Third plea in law, alleging that the applicant did not breach the large exposure limit provided in Art. 395(1) of Regulation (EU) No 375/2013 <sup>(2)</sup>.
4. Fourth plea in law, alleging that the contested decision infringes the applicant's right to be heard.