

4. Fourth plea in law, alleging breach of the duty of care, staff welfare and of Articles 21 and 31 of Charter of Fundamental Rights of the EU.
5. Fifth plea in law, alleging that the statement of reasons is not well founded.

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**Action brought on 25 October 2021 — energy cake v EUIPO — Foodtastic (ENERGY CAKE)**

**(Case T-686/21)**

(2021/C 513/46)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* energy cake GmbH (Vienna, Austria) (represented by: A. Bernegger, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Foodtastic GmbH (Dortmund, Germany)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* European Union word mark 'ENERGY CAKE' — European Union trade mark No 14 808 935

*Procedure before EUIPO:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 11 August 2021 in Case R 2324/2020-5

**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 59(1)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(1)(b) and (c) in conjunction with Article 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 25 October 2021 — BNP Paribas Public Sector v SRB**

**(Case T-688/21)**

(2021/C 513/47)

*Language of the case: French*

**Parties**

*Applicant:* BNP Paribas Public Sector SA (Paris, France) (represented by: A. Champsaur and A. Delors, lawyers)

*Defendant:* Single Resolution Board (SRB)