

4. Fourth plea in law, alleging breach of the principle of proportionality

The imposition of a decision not to recommend the applicant for future missions for a period of five years is disproportionate, since the alleged breaches of the Code of Conduct at issue lack seriousness.

5. Fifth plea in law, alleging infringement of the right to private and family life

The contested decision infringes the right to private and family life, enshrined in Article 7 of the Charter and in Article 8 of the European Convention on Human Rights (ECHR). The applicant's family commitments did not prevent the applicant from carrying out her remaining tasks.

6. Sixth plea in law, alleging infringement of freedom of expression

The contested decision infringes the applicant's freedom of expression. Freedom of expression is enshrined in Article 11 of the Charter and Article 10 ECHR. That freedom extends to the expression, orally or in writing, of opinions that dissent from or conflict with those held by the employing institution.

Action brought on 4 January 2022 — Puma v EUIPO — Doosan Machine Tools (PUMA)

(Case T-4/22)

(2022/C 109/35)

Language of the case: English

Parties

Applicant: Puma SE (Herzogenaurach, Germany) (represented by: P. González-Bueno Catalán de Ocón, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Doosan Machine Tools Co. Ltd (Seongsan-gu, Changwon-si, South Korea)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for European Union figurative mark PUMA — Application for registration No 11 376 209

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 28 October 2021 in Case R 1677/2020-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and Doosan Machine Tools Co., Ltd to pay the costs of the proceedings.

Plea in law

- Infringement of Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
-