

Pleas in law

- Infringement of Article 41 of the Charter of Fundamental Rights of the European Union;
- Infringement of Article 27(2) in connection with Article 8(3) of Commission Delegated Regulation (EU) 2018/625;
- Infringement of Article 8(1)(b) in connection with Article 33(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 12 June 2023 — J&B v EUIPO — Ergün (J&B BRO)**(Case T-318/23)**

(2023/C 261/61)

*Language in which the application was lodged: German***Parties***Applicant:* J&B Ltd (Road Town, British Virgin Islands) (represented by: C. Thomas and B. Reiter, lawyers)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Engin Ergün (Solingen, Germany)**Details of the proceedings before EUIPO***Applicant for the trade mark at issue:* Applicant*Trade mark at issue:* Application for EU figurative mark J&B BRO — Application No 18 310 846*Proceedings before EUIPO:* Opposition proceedings*Contested decision:* Decision of the First Board of Appeal of EUIPO of 12 April 2023 in Case R 2012/2022-1**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- dismiss the opposition;
- order EUIPO to pay the costs.

Plea in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 12 June 2023 — The Not Company v EUIPO (NOT MILK)**(Case T-320/23)**

(2023/C 261/62)

*Language of the case: Spanish***Parties***Applicant:* The Not Company SpA (Santiago, Chile) (represented by: I. Valdelomar Serrano, J. Rodríguez-Fuensalida y Carnicero, P. Ramells Higuera, A. Figuerola Moure and P. Muñoz Moreno, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for EU figurative mark NOT MILK — Application for registration No 18 508 169

Contested decision: Decision of the Second Board of Appeal of EUIPO of 28 March 2023 in Case R 2233/2022-2

Form of order sought

The applicant claims that the Court should:

- confirm that the contested decision misapplies Article 7(1)(b) and (c) and Article 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- annul the contested decision;
- order the continuation of the processing of the contested mark in Classes 29 and 32 and its subsequent registration.

Pleas in law

- Infringement of Article 7(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the principles of equal treatment and good administration.

Action brought on 12 June 2023 — VN v Commission

(Case T-322/23)

(2023/C 261/63)

Language of the case: French

Parties

Applicant: VN (represented by: A. Champetier and S. Rodrigues, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the present action admissible and well founded;
- consequently:
- annul the Commission decision of 4 August 2022, later replaced by the decision of 8 September 2022, ordering the payment of the full amount of the family allowances to the mother of the applicant's son as from 1 September 2015;
 - annul the Commission decision of 8 September 2022, except for the sub-decision to pay the applicant the education allowances for his son;