

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the application admissible and well-founded;
- annul the European Commission's decision, dated 7 December 2016 ('the Contested Decision'), refusing to review its Decision C(2016) 3549 ('the Authorisation Decision') granting to the undertakings VinyLoop Ferrara SpA, Stena Recycling AB, and Plastic Planet srl an authorisation for the use of a chemical known as bis(2-ethylhexyl) phthalate under Regulation (EC) No 1907/2006 ⁽¹⁾;
- annul the Authorisation Decision;
- order the Commission to pay the applicant's costs; and
- order any other measure deemed appropriate.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Contested Decision is vitiated by manifest errors of law and assessment regarding the alleged conformity of the application for authorisation of VinyLoop, Stena, and Plastic Planet within the meaning of Article 62 and Article 60(7) of Regulation (EC) No 1907/2006.
2. Second plea in law, alleging that the Contested Decision is vitiated by manifest errors of law and assessment under Article 60(4) of Regulation (EC) No 1907/2006 regarding the socio-economic assessment.
3. Third plea in law, alleging that the Contested Decision is vitiated by manifest errors of assessment under Article 60(4) and 60(5) of Regulation (EC) No 1907/2006 regarding the analysis of alternatives.
4. Fourth plea in law, alleging that the Contested Decision is vitiated by a manifest error of law and assessment regarding the application of the precautionary principle in the context of the authorisation process under Regulation (EC) No 1907/2006.

⁽¹⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ 2006, L 396, p. 1).

Action brought on 21 February 2017 — FCA US v EUIPO — Busbridge (VIPER)

(Case T-109/17)

(2017/C 121/62)

Language in which the application was lodged: English

Parties

Applicant: FCA US LLC (City of Auburn Hills, Michigan, United States) (represented by: C. Morcom, QC)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Robert Dennis Busbridge (Hookwood, United Kingdom)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'VIPER' — EU trade mark No 3 871 101

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of EUIPO of 1 December 2016 in Case R 554/2016-1

Form of order sought

The applicant claims that the Court should:

- annul the decisions of the Cancellation Division and of the First Board of Appeal and that the application by Mr. Busbridge be remitted to the Cancellation Division for the appropriate action;
- the Applicant also seeks an order for costs.

Pleas in law

- The Board of appeal was wrong in concluding that Mr Busbridge had proved use in relation to the goods covered by the UK registration (namely 'Sports cars');
- The evidence submitted by Mr Busbridge was wholly inadequate to prove use that was 'genuine' as required by Art. 57 (2) and (3) of Regulation n° 207/2009.

Action brought on 18 February 2017 — Jiangsu Seraphim Solar System v Commission

(Case T-110/17)

(2017/C 121/63)

Language of the case: English

Parties

Applicant: Jiangsu Seraphim Solar System Co. Ltd (Changzhou, China) (represented by: Y. Melin, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Article 2 of Commission Implementing Regulation (EU) 2016/2146 of 7 December 2016 withdrawing the acceptance of the undertaking for two exporting producers under Implementing Decision 2013/707/EU confirming the acceptance of an undertaking offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China for the period of application of definitive measures (JO 2016, L 333, p. 4), as far as the applicant is concerned; and
- order the Commission, and any intervener who may be allowed to support the Commission in the course of the proceedings, to bear the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on one sole ground.