

*Other party to the proceedings before the Board of Appeal:* Van Lieshout textiel Agenturen BV (Berkel-Enschot, The Netherlands)

### **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:* EU figurative mark (Representation of four crossing lines) — Application for registration No 11 952 678

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the fourth Board of Appeal of EUIPO of 27 June 2017 in Case R 2129/2016-4

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order the reimbursement of its costs in this appeal before the General Court.

### **Pleas in law**

- Infringement of Article 76(1) of Regulation No 207/2009;
- Breach of the duty of the Board to revise the legality of the first instance decision;
- Infringement of Article 75 of Regulation No 207/2009;
- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Article 8(5) of Regulation No 207/2009.

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## **Action brought on 22 August 2017 — Boshab and Others v Council**

**(Case T-582/17)**

(2017/C 374/62)

*Language of the case: French*

### **Parties**

*Applicants:* Évariste Boshab (Kinshasa, Democratic Republic of Congo) and 7 other applicants (represented by: P. Chansay-Wilmotte, A. Kalambay Ndaya and P. Okito Omole, lawyers)

*Defendant:* Council of the European Union

### **Form of order sought**

The applicants claim that the Court should:

- declare the restrictive measures at issue to be null and void, namely,
  - Council Implementing Regulation (EU) 2017/904 of 29 May 2017 implementing Article 9(2) of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo;
  - Council Implementing Decision (CFSP) 2017/905 of 29 May 2017 implementing Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo;
- order the Council of the European Union to pay the costs.

### Pleas in law and main arguments

In support of the action, the applicants rely, in essence, on a single plea in law, alleging that the contested acts are vaguely reasoned and significantly vitiated by manifest errors of assessment. According to the applicants, the restrictive measures adopted by the Council against them are unfounded in both fact and law. Moreover, the Council committed several irregularities, each capable of justifying the annulment of the contested acts.

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**Action brought on 24 August 2017 — Primart v EUIPO — Bolton Cile España (PRIMART Marek Łukasiewicz)**

**(Case T-584/17)**

(2017/C 374/63)

*Language in which the application was lodged: English*

### Parties

*Applicant:* Przedsiębiorstwo Produkcyjno-Handlowe ‘Primart’ Marek Łukasiewicz (Wołomin, Poland) (represented by: J. Skołodą, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Bolton Cile España, SA (Madrid, Spain)

### Details of the proceedings before EUIPO

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* EU word figurative mark in colours red, white and dark blue, containing the word elements ‘Primart Marek Łukasiewicz’ — Application for registration No 13 682 299

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 22 June 2017 in Case R 1933/2016-4

### Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the intervener to pay the costs of the proceedings, including the costs incurred before the Board of Appeal.

### Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

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**Action brought on 2 August 2017 — Serra Noguera and Others v SRB**

**(Case T-592/17)**

(2017/C 374/64)

*Language of the case: Spanish*

### Parties

*Applicants:* Juan Carlos Serra Noguera (Sant Jordi de ses Salines, Spain) and 56 other applicants (represented by: R. García-Bragado Acín, lawyer)