

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and MasterCard International Incorporated to bear their own costs and to pay those incurred by the applicant, including those incurred in the proceedings before the EUIPO.

Pleas in law

- Infringement of Article 71(1) of Commission Delegated Regulation (EU) 2018/625 of 5 March 2018 supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Delegated Regulation (EU) 2017/1430, in conjunction with Article 41(2) of the Charter of Fundamental Rights of the European Union;
- Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council, in conjunction with Article 41(2) of the Charter of Fundamental Rights of the European Union;
- Infringement of the principles of equal treatment and sound administration;
- Infringement of Article 8(1)(b) and Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 15 February 2019 — Broughton v Eurojust

(Case T-87/19)

(2019/C 139/71)

Language of the case: Dutch

Parties

Applicant: Jon Broughton (Amsterdam, Netherlands) (represented by: D.C. Coppens, lawyer)

Defendant: Eurojust

Form of order sought

- annul the contested decisions of Eurojust 62/2018/AD of 20 November 2018, AD 2018-26 and AD 2018-27 of 4 May 2018 and the recovery decision of 4 May 2018 pursuant to Article 270 TFEU;

- declare that French must be regarded as Mr Broughton's second language and Dutch as his third language;
- determine that the recovery ordered against the applicant is unlawful and cease it and determine that the applicant must be reimbursed the amounts recovered by Eurojust;
- determine that Eurojust must return the applicant to the same legal position he was in prior to the contested decisions;
- order Eurojust to pay the costs of these proceedings.

Pleas in law and main arguments

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

1. First plea in law, directed against all the contested decisions

- the investigation was not carried out objectively and carefully;
- the facts which form the basis of the contested decisions were not established on the basis of a careful and independent investigation;
- the decision is factually unfounded;
- the applicant's interests were not sufficiently taken into account, in breach of the 'equality of arms' principle.

2. Second plea in law, directed against orders AD 2018-26 and AD 2018-27: the decisions are factually unfounded

- the facts underpinning the decision cannot support the decision;
- the facts were incorrectly laid down;
- the evidence was assessed incorrectly.

3. Third plea in law, directed against the recovery decision

- the decision is factually unfounded;
- the decision was insufficiently reasoned.

Action brought on 13 February 2019 — Cinkciarz.pl v EUIPO — MasterCard International (currencymachineassistant)

(Case T-88/19)

(2019/C 139/72)

Language of the case: English

Parties

Applicant: Cinkciarz.pl sp. z o.o. (Zielona Góra, Poland) (represented by: E. Skrzydło-Tefelska and K. Gajek, lawyers)