

*Defendant:* Council of the European Union

### **Form of order sought**

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2018/1940 of 10 December 2018, in so far as the applicant remains at No 11 in Annex II to Decision 2010/788/CFSP;
- annul Council Implementing Regulation (EU) 2018/1931 of 10 December 2018, in so far as the applicant remains at No 11 in Annex Ia to Regulation (EC) No 1183/2005;
- rule that the provisions of Article 3(2)(a) of Decision 2010/788/CFSP and Article 2b(1)(a) of Regulation (EC) 1183/2005/EC are unlawful;
- order the Council to pay the costs.

### **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 infringement of the rights of the defence, including breach of the obligation to state reasons justifying the measures and ensuring effective judicial protection and breach of the right to be heard.
2. Second plea in law, alleging a manifest error of assessment as regards the involvement of the applicant in acts impeding a consensual and peaceful solution with a view to holding elections in the Democratic Republic of the Congo.
3. Third plea in law, alleging infringement of the right to privacy and the principle of proportionality.
4. Fourth plea in law, alleging that the provisions of Article 3(2)(a) of Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP (OJ 2010 L 336, p. 30) and Article 2b(1)(a) of Council Regulation (EC) No 1183/2005 of 18 July 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 (OJ 2005 L 193, p. 1) are inapplicable. In that regard, the applicant submits that the legal criterion, as defined in those articles, on which the inclusion of the applicant's name on the lists at issue is based, infringes the principle of the foreseeability of Union acts and the principle of proportionality in so far as it confers arbitrary and discretionary power on the Council.

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**Action brought on 19 February 2019 — Dermavita v EUIPO — Allergan Holdings France (JUVÉDERM)**

**(Case T-104/19)**

(2019/C 139/86)

*Language of the case: English*

### **Parties**

*Applicant:* Dermavita Co. Ltd (Beirut, Lebanon) (represented by: G. Paricheva, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Allergan Holdings France SAS (Courbevoie, France)

### **Details of the proceedings before EUIPO**

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

*Trade mark at issue:* European Union word mark JUVÉDERM — European Union trade mark No 5 807 169

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 19 December 2018 in Case R 2630/2017-4

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to the proceedings before the Board of Appeal to bear their own costs and pay those of the applicant for annulment at every stage of the action for revocation and appeal proceedings, including the cost of these proceedings.

### **Plea in law**

- Infringement of Article 18 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 20 February 2019 — Louis Vuitton Malletier/EUIPO — Wisniewski (Representation of a chequerboard pattern)**

**(Case T-105/19)**

(2019/C 139/87)

*Language of the case: English*

### **Parties**

*Applicant:* Louis Vuitton Malletier (Paris, France) (represented by: P. Roncaglia, G. Lazzeretti, N. Parrotta and F. Rossi, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Norbert Wisniewski (Warsaw, Poland)