



Action brought on 21 March 2024 – WAAA v CPVO – Teak Enterprises (Cripps Pink and Cripps Red)

(Case T-159/24)

(C/2024/3083)

Language in which the application was lodged: English

Parties

Applicant: Western Australian Agriculture Authority (WAAA) (South Perth, Australia) (represented by: T. Bouvet and C. Devinant, lawyers)

Defendant: Community Plant Variety Office

Other party to the proceedings before the Board of Appeal: Teak Enterprises Pty Limited (Applecross, Australia)

Details of the proceedings before CPVO

Proprietor of the Community plant variety right at issue: Applicant before the General Court

Community plant variety right at issue: Cripps Pink and Cripps Red apple varieties - Community plant variety rights No 1640 and No 3425

Procedure before CPVO: Nullity proceedings

Contested decision: Decision of the Board of Appeal of CPVO of 12 January 2024 in joined cases A 019/2021 and A 020/2021

Form of order sought

The applicant claims that the Court should:

- annul and set aside the contested decision;
- alter the contested decision and hold that the CPVO rightfully:
 - considered that the conditions laid down to open nullity proceedings are not met;
 - decided not to declare the Cripps Pink and Cripps Red varieties null and void;
- order Teak Enterprises Pty Limited to bear the costs and expenses of the proceedings.

Pleas in law

- Infringement of Article 53a of Commission Implementing Regulation (EC) No 874/2009, together with Article 266 TFEU, the principle of legal certainty and the provisions regarding the burden of proof;
- Infringement of Article 10 of Council Regulation (EC) No 2100/94 in combination with Article 53a of Commission Implementing Regulation (EC) No 874/2009 and the provisions regarding the burden of proof.
