

3. Third, infringement of the general principles of good administration and transparency.

<sup>(1)</sup> 2014/792/EU: Commission Decision of 13 November 2014 on the Early Warning System to be used by authorising officers of the Commission and by the executive agencies (OJ 2014 L 329, p. 68)

<sup>(2)</sup> Regulation (EE, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union (OJ 2015 L 286, p. 1)

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**Action brought on 4 May 2016 — Cop v EUIPO — Conexa (AMPHIBIAN)**

**(Case T-215/16)**

(2016/C 251/43)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Cop Vertriebs-GmbH (Aresing, Germany) (represented by: H. Hofmann, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Conexa LLC (Wilmington, Delaware, United States)

**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:* International registration designating the European Union in respect of the mark 'AMPHIBIAN' — International registration designating the European Union No 359 251

*Procedure before EUIPO:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 7 March 2016 in Case R 1984/2015-4

**Form of order sought**

The applicant claims that the Court should:

— annul or alter the contested decision;

— annul or alter the decision of the Cancellation Division of the European Union Intellectual Property Office (EUIPO) of 14 September 2015 in cancellation proceedings No 9736 C;

— order EUIPO to pay the costs;

— fix a date for the hearing.

### **Plea in law**

— Infringement of Article 7(1)(c) and consequently (b) of Regulation No 207/2009.

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## **Action brought on 10 May 2016 — Internacional de Productos Metálicos v Commission**

**(Case T-217/16)**

(2016/C 251/44)

*Language of the case: Spanish*

### **Parties**

*Applicant:* Internacional de Productos Metálicos, S.A. (Vitoria-Gasteiz, Spain) (represented by: C. Cañizares Pacheco, E. Tejedor de la Fuente, A. Monreal Lasheras, lawyers)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the General Court should:

- uphold the grounds for annulment put forward and annul Article 2 of Commission Implementing Regulation (EU) 2016/278 of 26 February 2016 repealing the definitive anti-dumping duty imposed on imports of certain iron or steel fasteners originating in the People's Republic of China, as extended to imports of certain iron or steel fasteners consigned from Malaysia, whether declared as originating in Malaysia or not;
- expressly acknowledge that Article 1 of Commission Implementing Regulation (EU) 2016/278 of 26 February 2016 repealing the definitive anti-dumping duty imposed on imports of certain iron or steel fasteners originating in the People's Republic of China, as extended to imports of certain iron or steel fasteners consigned from Malaysia, whether declared as originating in Malaysia or not, has retroactive effects.

### **Pleas in law and main arguments**

The applicant challenges the abovementioned regulation in so far as, notwithstanding the fact that the latter repealed the anti-dumping duties initially imposed on the imports of certain iron or steel fasteners originating in the People's Republic of China and Malaysia, as a result of the decisions adopted by the relevant WTO authorities, Article 2 of that regulation restricts the possible reimbursement of the duties paid by refusing to make the repeal retroactive, allowing the continued existence in law of anti-dumping duties contrary to the regulatory rules of the WTO, without there being an objective public policy justification for such a decision.

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

1. First plea in law, based on the unlawfulness of Article 2 of the contested regulation, on the ground that it was contrary to the Anti-Dumping Agreement.
  - The applicant submits in that regard that since the Commission itself acknowledges in the contested regulation that the anti-dumping duties have been repealed because of the infringement of the Anti-Dumping Agreement by the Council, the lawfulness of the contested article has to be assessed having regard to the obligations assumed by the European Union in entering into the Anti-Dumping Agreement.