

— order the European Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on a single plea arguing that the challenged decision lacked a legal basis and therefore violates Article 1(2) and the Annex to Commission Implementing Regulation (EU) 2015/2272.

The European Commission based the challenged decision on the judgment of the Court of Justice in *ArcelorMittal Tubular Products Ostrava a.s. and Others v Hubei Xinyegang Steel Co. Ltd* and *Council of the European Union v Hubei Xinyegang Steel Co. Ltd* (Joined Cases C-186/14 P and C-193/14 P, EU:C:2016:209), by which the Court confirmed the judgment of the General Court in *Hubei Xinyegang Steel Co. Ltd v Council of the European Union* (T-528/09, EU:T:2014:35), by which the General Court had annulled Council Regulation (EC) No 926/2009 imposing an anti-dumping duty on certain seamless pipes and tubes ('SPT') originating in the People's Republic of China in so far as it imposed an anti-dumping duty on products produced by Hubei Xinyegang Steel Co. Ltd. According to the applicants, the European Commission wrongly extended the annulment of Council Regulation (EC) No 926/2009 to Commission Implementing Regulation (EU) 2015/2272 because the latter regulation was not the subject matter of the dispute in the previous court cases. Therefore, the European Commission could have adopted the challenged decision only after it had repealed Regulation (EU) 2015/2272.

Action brought on 11 July 2016 — Brunner v EUIPO — CBM (H HOLY HAFERL HAFERL SHOE COUTURE)

(Case T-367/16)

(2016/C 305/70)

Language in which the application was lodged: German

Parties

Applicant: Gerd Brunner (Moosthenning, Germany) (represented by: N. Maenz, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: CBM Creative Brands Marken GmbH (Zurich, Switzerland)

Details of the proceedings before EUIPO

Applicant: Applicant

Trade mark at issue: European Union figurative mark containing the word elements 'H HOLY HAFERL HAFERL SHOE COUTURE' — Application for registration No 11 988 144

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 10 May 2016 in Case R 2943/2014-5

Form of order sought

The applicant claims that the Court should:

— annul the Opposition Decision of the Fifth Board of Appeal of the European Union Intellectual Property Office of 10 May 2016 (Case R 2943/2014-5);

- dismiss the intervener's opposition of 12 November 2013 regarding EU trade mark No 11 306 545 and German trade mark No 302 010 023 903 (Case B002269325);
- order EUIPO to pay the costs.

Plea in law

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

Order of the General Court of 10 June 2016 — Lithuania v Commission**(Case T-533/13) ⁽¹⁾**

(2016/C 305/71)

Language of the case: Lithuanian

The President of the Fourth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 359, 7.12.2013.

Order of the General Court of 22 June 2016 — Gain Capital UK v EUIPO — Citigroup (CITY INDEX)**(Case T-269/14) ⁽¹⁾**

(2016/C 305/72)

Language of the case: English

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 253, 4.8.2014.

Order of the General Court of 16 June 2016 — Swatch v EUIPO — L'atelier Wysiwyg (wysiwatch WhatYouSeeIsTheWatchYouGet)**(Case T-83/15) ⁽¹⁾**

(2016/C 305/73)

Language of the case: English

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 127, 20.4.2015.
