

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in its entirety;
- dismiss the application for a declaration of invalidity;
- order EUIPO and Red Bull to pay the costs.

Pleas in law

- Infringement of Article 54(2) of Regulation No 207/2009;
- Infringement of Article 53(1)(a) in conjunction with Article 8(1)(b) of Regulation No 207/2009.

Action brought on 8 March 2017 — Marriott Worldwide v EUIPO — Graf (Representation of a winged bull)

(Case T-151/17)

(2017/C 129/54)

Language in which the application was lodged: English

Parties

Applicant: Marriott Worldwide Corp. (Bethesda, Maryland, United States) (represented by: A. Reid, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Johann Graf (Gumpoldskirchen, Austria)

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: EU figurative mark (Representation of a winged bull) — EU trade mark No 10 511 723

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 17 January 2017 in Case R 165/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 76(1) of Regulation No 207/2009;

- Infringement of Article 53(1)(a) in conjunction with Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Article 53(2)(c) of Regulation No 207/2009.

Action brought on 9 March 2017 — Deichmann v Commission

(Case T-154/17)

(2017/C 129/55)

Language of the case: Dutch

Parties

Applicant: Deichmann SE (Essen, Germany) (represented by: A. Willems, S. De Knop and M. Meulenbelt, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- declare the present application admissible;
- annul Commission Implementing Regulation (EU) 2016/2257 of 14 December 2016 re-imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People's Republic of China and produced by Chengdu Sunshine Shoes Co. Ltd, Foshan Nanhai Shyang Yuu Footwear Ltd and Fujian Sunshine Footwear Co. Ltd and implementing the judgment of the Court of Justice in Joined Cases C-659/13 and C-34/14; and
- order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 5(1) and (2) TEU owing to the absence of a legal basis for the contested regulation. In the alternative, the applicant claims that the Commission lacked competence to adopt the contested regulation.
2. Second plea in law, alleging infringement of Article 266 TFEU by reason of the failure to adopt measures necessary to ensure compliance with the judgment of 4 February 2016, *C & J Clark International and Puma* (C-659/13 and C-34/14, EU:C:2016:74).
3. Third plea in law, alleging infringement of Articles 1(1) and 10(1) of Regulation (EU) 2016/1036 ⁽¹⁾ and of the principle of legal certainty by reason of the imposition of anti-dumping duties on the imports of footwear carried out during the period of application of Regulations No 1472/2006 ⁽²⁾ and No 1294/2009. ⁽³⁾
4. Fourth plea in law, alleging infringement of Article 21 of Regulation (EU) 2016/1036 inasmuch as the anti-dumping duties were imposed without a new assessment of the EU interest being undertaken. According to the applicant, it was in any event manifestly incorrect to conclude that the imposition of the anti-dumping duties was in the interests of the EU.