

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* Application for the EU figurative mark KISS COLOR in white and red — Application for registration No 16 396 996

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 16 September 2019 in Case R 21 67/2018-4

**Form of order sought**

The applicant claims that the Court should:

— annul the contested decision.

**Plea in law**

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 19 November 2019 — etc-gaming and Casino-Equipment v Commission**

**(Case T-803/19)**

(2020/C 45/66)

*Language of the case: German*

**Parties**

*Applicants:* etc-gaming GmbH (Vienna, Austria) and Casino-Equipment Vermietungs GmbH (Vienna) (represented by: A. Schuster, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- order the European Union, represented by the European Commission, to pay compensation for the losses suffered in the amount of EUR 110 836 927,73 which it unlawfully and through its own fault caused to the applicants' assets by failing to provide, as required, a legal remedy within the meaning of Articles 6(1) and 13 of the ECHR and Article 47 of the Charter of Fundamental Rights of the European Union ('the Charter');
- alternatively, order the European Union, represented by the European Commission, on the merits of the case, to pay compensation for the losses suffered, and/or which will arise in the future, which it unlawfully and through its own fault caused to the applicants' assets by failing to provide, as required, a legal remedy within the meaning of Articles 6(1) and 13 of the ECHR and Article 47 of the Charter;
- order the European Union, represented by the European Commission, to pay the costs of the present proceedings.

**Pleas in law and main arguments**

In support of the action, the applicants rely on the following plea in law:

The failure of the European Union to give effect to the requirements under the ECHR and the Charter to provide an effective legal remedy unlawfully and improperly caused the applicants to suffer a loss of at least EUR 110 836 927,73. This loss consists of the fact that the applicants, in the absence of a legal remedy which would have made possible a review of the failure by the national courts, which were under a corresponding duty to do so, to request a preliminary ruling from the Court of Justice, were legally not in a position to ensure that effect would be given to EU law and thereby to ensure the inapplicability, as a result of the primacy of EU law, of the national tax provisions of the Law on games of chance resulting in obligations to pay tax corresponding to several times the amount of the turnover achieved during the same period.

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**Action brought on 25 November 2019 – Victoria’s Secret Stores Brand Management v EUIPO – Yiwu Dearbody Cosmetics (BODYSECRETS)**

(Case T-810/19)

(2020/C 45/67)

*Language of the case: English*

**Parties**

*Applicant:* Victoria’s Secret Stores Brand Management, Inc. (Reynoldsburg, Ohio, United States) (represented by: J. Dickerson, Solicitor)

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

*Other party to the proceedings before the Board of Appeal:* Yiwu Dearbody Cosmetics Co.Ltd (Yiwu City, China)

**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 figurative mark BODYSECRETS – European Union trade mark No 13 921 978

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 5 September 2019 in Case R 2422/2018-5

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- authorize the declaration of invalidity of EU trade mark registration No 13 921 978;
- order the proprietor to pay the costs of the action.