

### Pleas in law and main arguments

In support of the action, the applicants rely on the following pleas in law.

1. First plea in law: Infringement of the rights of defence

First plea in law, alleging that the contested decision infringed fundamental rights of defence since the questions asked are based predominantly on documents and information that the applicants had previously forwarded to the Bundeskartellamt (the German competition authority) as leniency applicants in proceedings pending before it. The Commission obtained those documents and information in the context of an impermissible exchange of information with the Bundeskartellamt or an unlawful inspection conducted on the basis thereof.

2. Second plea in law: Lack of competence of the Commission due to an infringement of the principle of subsidiarity

Second plea in law, alleging that the Commission is not competent to carry out the investigation into the applicants or to adopt the contested decision. Given that the Bundeskartellamt carried out in-depth investigations and the national proceedings permit a final judgment, it is not apparent why it would have been inappropriate for the Bundeskartellamt to bring an end to the investigation in the present case or why the Commission is in a better position to carry out the contested investigative measure.

3. Third plea in law: Failure to state reasons

Third plea in law, alleging that the contested decision lacks adequate reasoning in that it does not contain any explanation as to why the Commission considered itself competent, in the light of the subsidiarity principle, to carry out investigations into the applicants.

4. Fourth plea in law: Infringement of the right to good administration provided for in Article 41 of the Charter of Fundamental Rights of the European Union

Fourth plea in law, alleging that the Commission infringed the requirement of good administration and Article 41 of the Charter of Fundamental Rights of the European Union since the contested decision is disproportionate, infringes the legitimate expectations of the applicants and is incompatible with the requirement of impartiality and fairness.

5. Fifth plea in law: Misuse of powers

Fifth plea in law, alleging that the request for information is based on improper considerations because the investigation and, in particular, the contested decision involved cooperation between the Commission and the Bundeskartellamt in order to enable the Commission to circumvent the provisions provided for under German law on penalties imposed for infringements of Article 101 TFEU.

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**Action brought on 22 November 2019 — Liga Nacional de Fútbol Profesional v EUIPO (El Clasico)**

**(Case T-809/19)**

(2020/C 27/66)

*Language of the case: Spanish*

### Parties

*Applicant:* Liga Nacional de Fútbol Profesional (Madrid, Spain) (represented by: C. Casas Feu, lawyer)

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

**Details of the proceedings before EUIPO**

*Trade mark at issue:* International registration designating the European Union in respect of the figurative mark El Clasico — Application for registration No 1 379 292

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 1 October 2019 in Case R 1966/2018-2

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- give judgment allowing the registration in the European Union of the international mark No 1 379 292 El Clásico (mixed) in Class 41 in the name of La Liga Nacional de Fútbol Profesional;
- order EUIPO to pay the costs.

**Plea in law**

- Infringement of Article 7(3) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 22 November 2019 – Nutravita v EUIPO – Pegaso (nutravita Healthy Mind, Body & Soul.)**

**(Case T-814/19)**

(2020/C 27/67)

*Language of the case: English*

**Parties**

*Applicant:* Nutravita Ltd (Maidenhead, United Kingdom) (represented by: H. Dhondt and J. Cassiman, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Pegaso Srl (Negrar, Italy)

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* Application for European Union figurative mark nutravita Healthy Mind, Body & Soul. of colours light green and black – Application for registration No 16 255 804

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 11 September 2019 in Case R 80/2019-4

**Form of order sought**

The applicant claims that the Court should:

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