

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicants

Trade mark at issue: Application for EU trade mark B.home — Application for registration No 16 961 336

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 24 September 2019 in Case R 373/2019-5

Form of order sought

The applicants claim that the Court should:

- annul or amend the contested decision and uphold the decision of the Opposition Division of the European Union Intellectual Property Office (EUIPO) in proceedings B2976549 of 10 December 2018;
- order EUIPO to pay the costs;
- set a date for an oral hearing.

Plea in law

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

Action brought on 3 December 2019 — Asoliva and Anierac v Commission

(Case T-822/19)

(2020/C 27/72)

Language of the case: Spanish

Parties

Applicants: Asociación Española de la Industria y Comercio Exportador de Aceite de Oliva (Asoliva) (Madrid, Spain) and Asociación Nacional de Industriales Envasadores y Refinadores de Aceites Comestibles (Anierac) (Madrid) (represented by V. Rodríguez Fuentes, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the General Court should annul Article 1(1)(b) of Commission Implementing Regulation (EU) 2019/1604 of 27 September 2019 amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis, published in OJ 2019 L 250, p. 14.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the Treaties

- The applicants take the view that, by imposing an irrefutable presumption of non-conformity of the quality of olive oil, which gives rise to penalties, the contested act infringes the principle of the presumption of innocence under Article 48 of the Charter of Fundamental Rights of the European Union.

2. Second plea in law, alleging breach of the principle of legal certainty
 - The applicants take the view that the irrefutable presumption of non-conformity laid down by the contested act undermines legal certainty, since it is based on a method which, on account of the lack of precision, does not make it possible to ensure compliance with the applicable standard with sufficient certainty.
3. Third plea in law, alleging breach of the principle of proportionality with respect to the freedom to conduct a business
 - The applicants take the view that the irrefutable presumption of non-conformity laid down by the contested act disproportionately restricts the freedom to conduct a business by laying down a restriction thereon with an imprecise method from which absolute consequences are derived, without taking account of other existing methods or means of proof.

Order of the General Court of 25 November 2019 – Lipitalia 2000 and Assograssi v Commission

(Case T-189/18) ⁽¹⁾

(2020/C 27/73)

Language of the case: Italian

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

⁽¹⁾ OJ C 166, 14.5.2018.

Order of the General Court of 26 November 2019 — Stada Arzneimittel v EUIPO (Representation of two curved red lines arranged one above the other)

(Case T-290/19) ⁽¹⁾

(2020/C 27/74)

Language of the case: German

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

⁽¹⁾ OJ C 213, 24.6.2019.
