

Form of order sought

The applicant claims that the General Court should:

- annul Commission Implementing Regulation (EU) 2019/1661 of 24 September 2019 concerning the classification of certain goods in the Combined Nomenclature (OJ 2019 L 251, p. 1) in its entirety.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission exceeded its powers under Article 9(1) of Regulation 2658/87 by unlawfully altering the scope of CN heading 1516.
2. Second plea in law, alleging that the Commission exceeded its powers under Article 9(1) of Regulation 2658/87 by unlawfully amending the customs tariff because that implementing regulation amends the customs tariff, in so far products are excluded by that implementing regulation from a CN heading in which the product at issue should be categorised on the basis of its objective characteristics and properties.

Action brought on 16 December 2019 – Body Attack Sports Nutrition v EUIPO – Sakkari (SAKKATTACK)

(Case T-851/19)

(2020/C 61/63)

Language of the case: English

Parties

Applicant: Body Attack Sports Nutrition GmbH & Co. KG (Hamburg, Germany) (represented by: S. Labesius, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Maria Sakkari (Nicosia, Cyprus)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for European Union figurative mark SAKKATTACK in the colours black, red, yellow, white and grey – Application for registration No 16 603 557

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 14 October 2019 in Case R 2560/2018-4

Form of order sought

The applicant claims that the Court should:

- order the joinder of the present case with case T-788/19;
- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 37(1) of Commission Delegated Regulation (EU) 2018/625;
- Infringement of the rule of equal treatment and sound administration;
- Infringement of Article 94(1)(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 13 December 2019 — Dehousse v Court of Justice of the European Union**(Case T-857/19)**

(2020/C 61/64)

*Language of the case: French***Parties**

Applicant: Franklin Dehousse (Brussels, Belgium) (represented by: L. Levi and S. Rodrigues, lawyers)

Defendant: Court of Justice of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the present action admissible and well founded;
- set aside the contested decision;
- order the defendant to pay all the costs.

Pleas in law and main arguments

In support of the action against the decision of the Registrar of the Court of Justice of the European Union of 14 October 2019 concerning a measure giving effect to the judgment of 20 September 2019, *Dehousse v Court of Justice of the European Union*, T-433/17, EU:T:2019:632), the applicant relies on three pleas in law.

1. First plea in law, alleging infringement of Article 266 TFEU, in that the contested decision was not an appropriate measure to comply with the judgment in Case T-433/17, *Dehousse v Court of Justice of the European Union*.