

**Pleas in law**

- Infringement of Article 95(1) sentence 3 in conjunction with Article 59(1)(a), Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 59(1)(a), Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 20 January 2020 – Monster Energy v EUIPO – Nanjing aisiyou Clothing (Device of a claw-like scratch)****(Case T-35/20)**

(2020/C 68/78)

*Language of the case: English***Parties**

*Applicant:* Monster Energy Company (Corona, California, United States) (represented by: P. Brownlow, Solicitor)

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

*Other party to the proceedings before the Board of Appeal:* Nanjing aisiyou Clothing Co. Ltd (Nanjing City, China)

**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 representing a device of a claw-like scratch – Application for registration No 17 634 478

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 13 November 2019 in Case R 1104/2019-5

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- annul the decision of the Opposition Division of 21 March 2019 in Opposition B 3050458;
- reject the opposed mark for the contested goods and services, being all goods and services covered by the application;
- order the defendant to bear its own costs of the proceedings and pay those of the applicant.

**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 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
  - Infringement of Article 8(4) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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**Order of the General Court of 18 December 2019 — Sumitomo Chemical and Tenka Best v Commission****(Case T-734/18) <sup>(1)</sup>**

(2020/C 68/79)

*Language of the case: English*

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

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<sup>(1)</sup> OJ C 72, 25.2.2019.

**Order of the General Court of 23 December 2019 — Mersinis v ESMA****(Case T-163/19) <sup>(1)</sup>**

(2020/C 68/80)

*Language of the case: English*

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

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<sup>(1)</sup> OJ C 164, 13.5.2019.

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