

5. Fifth plea, alleging infringement of Article 10 of the Annex to the Staff Regulations, in so far as the penalties were not proportionate to the seriousness of the misconduct.

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**Action brought on 28 January 2020 — Sahaj Marg Spirituality Foundation v EUIPO (Heartfulness)**

**(Case T-48/20)**

(2020/C 87/31)

*Language of the case: English*

**Parties**

*Applicant:* Sahaj Marg Spirituality Foundation (Manapakkam, India) (represented by: E. Manresa Medina, 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 Heartfulness — Application for registration No 1 433 232

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 26 November 2019 in Case R 1266/2019-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay for all expenses of this procedure.

**Pleas in law**

- Infringement of Article 7(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 29 January 2020 — Rothenberger v EUIPO — Paper Point (ROBOX)**

**(Case T-49/20)**

(2020/C 87/32)

*Language of the case: English*

**Parties**

*Applicant:* Rothenberger AG (Kelkheim, Germany) (represented by: V. von Bomhard and J. Fuhrmann, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Paper Point Snc di Daria Fabbioni e Simone Borghini (Arezzo, 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 word mark ROBOX — Application for registration No 16 462 971

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 31 October 2019 in Case R 210/2019-1

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order that the costs of the proceedings be borne by EUIPO, and, in case the other party to the proceedings before the Board of Appeal joins the proceedings, the intervener.

### **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 31 January 2020 — Mélin v Parliament**

**(Case T-51/20)**

(2020/C 87/33)

*Language of the case: French*

### **Parties**

*Applicant:* Joëlle Mélin (Aubagne, France) (represented by: F. Wagner, lawyer)

*Defendant:* European Parliament

### **Form of order sought**

The applicant claims that the Court should:

- declare the plea of illegality admissible and rule that Article 33(1) and (2) and Article 68(1) and (2) of the IMSM (Implementing Measures for the Statute for Members) are unlawful;
- find, therefore, that there is no legal basis for the Secretary-General's decision of 17 December 2019 and annul that decision;
- in the alternative, find that Article 68(2) of the IMSM was infringed by the Secretary-General and annul the decision of 17 December 2019;

in the main proceedings:

- find that Joëlle Mélin has adduced evidence of the work of her assistant in accordance with Article 33(1) and (2) of the IMSM and the case-law of the Court of Justice of the European Union;

consequently,

- annul the decision of the Secretary-General of the European Parliament of 17 December 2019, notified by letter No D202484 dated 18 December 2019, taken pursuant to Article 68 of Decision 2009/C 159/01 of the Bureau of the European Parliament of 19 May and 9 July 2008 'concerning implementing measures for the Statute for Members of the European Parliament' as amended, finding a debt on the part of the applicant amounting to EUR 1 30 339,35 in respect of amounts wrongly paid in connection with the parliamentary assistance allowance and giving reasons for its recovery;