

Plea in law

- Infringement of Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 6 April 2020 — Berebene v EUIPO — Consorzio vino Chianti Classico (GHISU)
(Case T-201/20)
(2020/C 191/51)

Language in which the application was lodged: Italian

Parties

Applicant: Berebene Srl (Rome, Italy) (represented by: A. Massimiani, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Consorzio vino Chianti Classico (Radda in Chianti, Italy)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant before the Court

Trade mark at issue: European Union figurative mark in colour GHISU — Application for registration No 17 232 571

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 23 January 2020 in Case R 592/2019-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- and, as a result, order the registration of EU figurative mark GHISU No 17 232 571 also for the goods in Class 33 of the Nice Agreement;
- order EUIPO to pay the costs of the opposition and appeal proceedings.

Plea in law

- Incorrect comparison of the marks at issue and incorrect global assessment of the likelihood of confusion and unfair advantage.

Action brought on 9 April 2020 — JH v Europol
(Case T-208/20)
(2020/C 191/52)

Language of the case: German

Parties

Applicant: JH (represented by: M. Quaas, lawyer)

Defendant: European Union Agency for Law Enforcement Cooperation (Europol)

Form of order sought

The applicant claims that the Court should:

- declare that the order adopted on 2 April 2019 by the defendant's head official discharging the applicant with immediate effect from leadership of the organisational unit GDPT (Personal Protection) of the Governance Directorate of the European Police Office (Europol) was unlawful; and
- order the defendant to pay the applicant such compensation as the Court may deem appropriate.

Pleas in law and main arguments

The action is based on the following pleas in law:

1. Infringement of the Europol Staff Regulations

The applicant claims that the preconditions for the contested disciplinary measure under the Europol Staff Regulations have not been met. The defendant has disregarded the applicable provisions of the Staff Regulations and attempts to justify the adopted disciplinary measure (only) months later through a retroactive redeployment order and by reference to a reorganisation.

2. Injury to health and incapacity for work

Furthermore, the applicant seeks compensation because his health has demonstrably been harmed as a result of the unlawful measure and his further professional activity has therefore become impossible.

Action brought on 17 April 2020 — Gaz-System v ACER

(Case T-212/20)

(2020/C 191/53)

Language of the case: English

Parties

Applicant: Operator Gazociągów Przesyłowych Gaz-System S.A. (Warsaw, Poland) (represented by: E. Buczkowska, M. Trepka, lawyers)

Defendant: European Union Agency for the Cooperation of Energy Regulators

Form of order sought

The applicant claims that the Court should:

- annul the Board of Appeal of ACER Decision No. A-006-2019 of 7 February 2020;
- order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging a manifest error in the interpretation of Article 28(4) of Regulation (EU) 2019/942⁽¹⁾, as the Board of Appeal of ACER failed to conduct a full review and scrutiny of the ACER's Decision No. 10/2019. This unjustified self-limitation allegedly made by the Board of Appeal of ACER had a direct impact on the operative part of the Contested Decision.