

Action brought on 28 April 2020 — Rochem Group v EUIPO — Rochem Marine (R.T.S. ROCHEM Technical Services)

(Case T-233/20)

(2020/C 215/54)

Language of the case: English

Parties

Applicant(s): Rochem Group AG (Zug, Switzerland) (represented by: K. Guridi Sedlak, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Rochem Marine Srl (Genova, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court

Trade mark at issue: European Union figurative mark R.T.S. ROCHEM Technical Services — European Union trade mark No 12 326 609

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 20 February 2020 in Case R 1544/2019-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to render a new decision refusing the declaration of invalidity filed against the EU trade mark No 12 326 609, also for classes 11 and 40;
- order EUIPO to pay its own costs and bear the fees and costs of the applicant.

Pleas in law

- Infringement of Article 18 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement Article 64(2) and (3) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 29 April 2020 — HB v EIB

(Case T-234/20)

(2020/C 215/55)

Language of the case: English

Parties

Applicant: HB (represented by: C. Bernard-Glanz, lawyer)

Defendant: European Investment Bank

Form of order sought

The applicant claims that the Court should:

- annul (i) the 2017 performance appraisal and (ii) the decision of the adjudication panel, rejecting the applicant's appeal against her 2017 performance appraisal;
- order the defendant to pay an amount of EUR 50 000, in compensation for the loss of a chance, together with interest at the legal rate from the date of delivery of the judgment until payment in full has been made;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the claim for annulment of the performance appraisal, the applicant relies on two pleas in law.

1. First plea in law, alleging breach of the principle of good administration and of the right to confidentiality, insofar as, by commenting on the applicant's alleged improper behaviour with a senior manager in June 2017 in the performance appraisal, X breached the principle of good administration as well as the applicant's right to confidentiality.
2. Second plea in law, alleging manifest error of assessment and misuse of powers, insofar as the applicant claims that she was harassed by X during the reporting period, that (i) as a result, X did not have the objectivity to assess her performance and thus vitiated his comments and marks with manifest error, and (ii) the appraisal report was adopted with the intention of harming the applicant and is thus vitiated by misuse of powers

In support of her claim for the annulment of the appeal panel's decision, the applicant relies on two further pleas in law.

1. First plea in law, alleging procedural irregularities, insofar as procedural irregularities were committed by the adjudication panel (irregular notice to the hearing, irregular adoption of the decision *in contumaciam*), in the absence of which the outcome of the procedure might have been different.
2. Second plea in law, alleging breach of the right to be heard, insofar as, as a result of the procedural irregularities committed, the applicant was not present at the hearing of the adjudication panel and was thus not heard.

In support of her damages claim, the applicant argues that, by rejecting her request for conciliation, illegally, the defendant deprived the applicant of a chance of settling the matter amicably and avoiding proceedings before the General Court.

Action brought on 27 April 2020 — Arnaoutakis v Parliament**(Case T-240/20)**

(2020/C 215/56)

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

Applicant: Stavros Arnaoutakis (Heraklion, Greece) (represented by: A. Schmitt and A. Grosjean, lawyers)

Defendant: European Parliament