

Pleas in law and main arguments

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

1. First plea, alleging failure to state reasons for the contested measures. The applicant claims that the Council failed to comply with the obligation to state reasons for the contested measures with regard to the justification of those measures, respect for the rights of defence, effective judicial protection and the checks carried out on that basis.
2. Second plea, alleging error of assessment of the facts of the case and misuse of power. The applicant claims that, taking into account the evidence submitted to it, the Council could only have found that there was not a sufficient legal basis for bringing criminal proceedings. The applicant also noted a number of infringements of his fundamental rights, from which the Council failed to draw any conclusions.
3. Third plea, alleging infringement of fundamental rights, in so far as the contested measures were not adopted with due respect for the rights of defence, the right to effective judicial protection, or the right to equality of arms.
4. Fourth plea, alleging absence of legal basis, in that Article 29 of the Treaty on European Union cannot provide an admissible legal basis for the restrictive measures adopted against the applicant.
5. Fifth plea, alleging infringement of the fundamental right to respect for property.

Action brought on 6 May 2020 — Rochem Group v EUIPO — Rochem Marine (ROCHEM)

(Case T-261/20)

(2020/C 222/32)

Language of the case: English

Parties

Applicant: Rochem Group AG (Zug, Suisse) (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: International registration designating the European Union in respect of the figurative mark ROCHEM — International registration designating the European Union No 1 151 485

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 2 March 2020 in Case R 1547/2019-1

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 International trademark registration No 1 151 485, also for classes 11 and 40;
- order EUIPO and the intervener, should the other party to the proceedings before the Board of Appeal appear before the Court, 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 of Article 64(2) and (3) in connection with Article 198 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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Parties

Applicant: Rochem Group AG (Zug, Suisse) (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: International registration designating the European Union in respect of the word mark ROCHEM — International registration designating the European Union No 1 151 545

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 2 March 2020 in Case R 1546/2019-1

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 International trademark registration No 1 151 545, also for classes 11 and 40;
- order EUIPO and the intervener, should the other party to the proceedings before the Board of Appeal appear before the Court, to pay its own costs and bear the fees and costs of the applicant.