

7. Seventh plea in law, alleging that the Commission made several significant errors of assessment in the adoption of the contested regulation.
8. Eighth plea in law, alleging that, by adopting the contested regulation, the Commission exceeded the powers conferred on it.
9. Ninth plea in law, alleging that, in the event that the Court were to find that, in the adoption of the contested regulation, the Commission may itself define the requirements for a classification or the subject of a classification, or that it was left with no scope for an impact assessment or a proportionate application, Article 37(5), Article 53(1) and Article 53a of Regulation No 1272/2008 would infringe Article 290(1) and (2) TFEU. In that case, invoking the basic act (Regulation No 1272/2008) of the contested regulation would infringe Article 290 TFEU.

(¹) Commission Delegated Regulation (EU) 2020/217 of 4 October 2019 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures and correcting that Regulation (OJ 2020 L 44, p. 1).

(²) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ 2008 L 353, p. 1), as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (OJ 2019 L 198, p. 241).

Action brought on 13 May 2020 — Klaus Berthold v EUIPO — Thomann (HB Harley Benton)

(Case T-284/20)

(2020/C 222/39)

Language in which the application was lodged: German

Parties

Applicant: Klaus Berthold Besitzgesellschaft GmbH & Co. KG (Thalhausen, Germany) (represented by: E. Strauß, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Thomann GmbH (Burgebrach, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: International registration designating the European Union in respect of the figurative mark HB Harley Benton — International registration designating the European Union No 1 380 752

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 11 March 2020 in Case R 1359/2019-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and allow the opposition against the registration of international registration No 1 380 752 in the European Union for the goods in Class 25;
- order EUIPO to refuse the registration of international registration No 1 380 752 in the European Union for the goods in Class 25;

- order the other party to the proceedings to pay the costs of the proceedings before EUIPO and, if appropriate, order EUIPO to pay the costs of the present proceedings.

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(4) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 15 May 2020 — MCM Products v EUIPO — The Nomad Company (NOMAD)
(Case T-285/20)
(2020/C 222/40)

Language in which the application was lodged: German

Parties

Applicant: MCM Products AG (Zürich, Switzerland) (represented by: S. Eichhammer, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: The Nomad Company BV (Zevenaar, Netherlands)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: EU word mark 'NOMAD' — EU trade mark No 1 742 089

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 13 March 2020 in Case R 854/2019-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in so far as it relates to the registered goods in Class 18;
- order EUIPO to pay the costs.

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.
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