

Action brought on 15 May 2020 — Capella v EUIPO — Cobi.bike (GOBI)**(Case T-286/20)**

(2020/C 222/41)

*Language in which the application was lodged: German***Parties***Applicant:* Capella EOOD (Sofia, Bulgaria) (represented by: R. Klenke, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Cobi.bike GmbH (Frankfurt am Main, Germany)**Details of the proceedings before EUIPO***Applicant for the trade mark at issue:* Applicant*Trade mark at issue:* Application for EU trade mark GOBI — Application for registration No 17 168 089*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 14 February 2020 in Case R 1685/2019-2**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Plea in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 15 May 2020 — Eggy Food v EUIPO (EGGY FOOD)**(Case T-287/20)**

(2020/C 222/42)

*Language of the case: German***Parties***Applicant:* Eggy Food GmbH & Co. KG (Osnabrück, Germany) (represented by: J. Eberhardt and R. Böhm, lawyers)*Defendant:* European Union Intellectual Property Office (EUIPO)**Details of the proceedings before EUIPO***Trade mark at issue:* Application for EU figurative mark EGGY FOOD — Application for registration No 1 795 2953

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 9 March 2020 in Case R 1316/2019-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order the publication of the application for registration of the EU mark No 1 795 2953;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 7(1)(b) of Regulation (EU) No 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(1)(c) 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.

Action brought on 13 May 2020 — Brillux and Daw v Commission

(Case T-288/20)

(2020/C 222/43)

Language of the case: German

Parties

Applicants: Brillux GmbH & Co. KG (Münster, Germany) and Daw SE (Ober-Ramstadt, Germany) (represented by: R. van der Hout, C. Wagner and V. Lemonnier, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul Commission Delegated Regulation (EU) 2020/217, ⁽¹⁾ in so far as it concerns the classification and labelling of titanium dioxide;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on nine pleas in law, which are, in essence, identical or similar to those raised in Case T-279/20, *CWS Powder Coatings v Commission*.

⁽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).
