

Pleas in law

- Infringement of Article 165(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council and Articles 32(f) and 39(5) of Commission Delegated Regulation (EU) 2018/625;
- Infringement of Article 166(4)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council and Articles 32(f) and 39(5) of the Commission Delegated Regulation (EU) 2018/625;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in the failure to state reasons in the contested decision of the Board of Appeal;
- Infringement of the principles of equal treatment and sound administration.

Action brought on 27 May 2020 — Hochmann Marketing v EUIPO (bittorrent)**(Case T-337/20)**

(2020/C 255/32)

*Language of the case: German***Parties***Applicant:* Hochmann Marketing GmbH (Neu-Isenburg, Germany) (represented by: J. Jennings, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)**Details of the proceedings before EUIPO***Trade mark at issue:* EU word mark 'bittorrent' — EU word mark No 3 216 439*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 30 March 2020 in Case R 187/2020-4**Form of order sought**

The applicant claims that the Court should:

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

Pleas in law

- Serious error of law, since conversion into an Austrian trade mark is not clearly excluded;
- Infringement of Article 47 of the Charter of Fundamental Rights of the European Union and an arbitrary assumption that the applicant had at no stage made a substantiated claim that use in Austria is to be assumed;
- Infringement of Article 103(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Serious procedural error and error of law in so far as the Board of Appeal disregarded EUIPO's finding and understanding that conversion into a German mark was lawful;
- Infringement of Article 47 of the Charter of Fundamental Rights of the European Union through repeated disregard for the evidence of use submitted in Case C-118/18 P;

- Procedural error and infringement of Article 47 of the Charter of Fundamental Rights of the European Union, since the applicant does have a financial interest in the outcome of the proceedings;
- Serious procedural error and error of law for having taken into account the arguments in the intervener's submission of 23 September 2019 alleging that the applicant's national trade mark application had been made in bad faith;
- Serious error of law for excluding conversion under Article 139(2)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council on the basis of the judgment in Case C-149/11;
- Serious procedural error and error of law, since it was only after the Austrian mark was annulled that EUIPO requested that the applicant set out its position and EUIPO is still yet to express a view on the arguments put forward by the applicant in its conversion application;
- Error of law as regards the decision on costs.

Action brought on 29 May 2020 — EAB v EUIPO (RADIOSHUTTLE)

(Case T-341/20)

(2020/C 255/33)

Language of the case: Swedish

Parties

Applicant: EAB AB (Smålandsstenar, Sweden) (represented by: J. Norderyd and C. Sundén, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for registration of EU word mark RADIOSHUTTLE — Application No 179 709 13

Contested decision: Decision of the First Board of Appeal of EUIPO of 23 March 2020 in Case R 1428/2019-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision, and
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Articles 7(1)(b), 7(1)(c) and 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 5 June 2020 — Krasnyj Ocyabr v EUIPO — Spółdzielnia 'Pokój' (Pokój TRADYCJA JAKOŚĆ KRÓWKA SŁODKIE CHWILE Z DZIECIŃSTWA TRADYCYJNA RECEPTURA)

(Case T-355/20)

(2020/C 255/34)

Language of the case: English

Parties

Applicant: PAO Moscow Confectionery Factory 'Krasnyj Ocyabr' (Moscow, Russia) (represented by: M. Geitz and J. Stock, lawyers)