

Details of the proceedings before EUIPO

Trade mark at issue: Application for EU figurative mark CUCINA — Application for registration No 18 135 080

Contested decision: Decision of the Second Board of Appeal of EUIPO of 19 June 2020 in Case R 463/2020-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- 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.

Action brought on 21 August 2020 — Interfloat and GMB v Commission

(Case T-530/20)

(2020/C 329/46)

Language of the case: German

Parties

Applicants: Interfloat Corp. (Ruggell, Lichtenstein) and GMB Glasmanufaktur Brandenburg GmbH (Tschernitz, Germany) (represented by: U. Karpenstein and R. Sangi, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul Commission Decision C(2020) 3287 final of 26 May 2020 on the measures SA.39990 (2016/C) (ex 2016/NN) (ex/2014/FC) (ex 2014/CP) — implemented by Belgium for Ducatt NV; and
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicants rely on a single plea in law.

The applicants submit that the Commission was not permitted to close the formal investigation procedure that was opened following a complaint made by the applicants. Council Regulation (EU) 2015/1589⁽¹⁾ ('the regulation on State aid procedure') provides for a specific and exhaustive procedure for the closure of the formal investigation procedure. It requires, in particular, that the formal investigation procedure be concluded by means of one of the four decisions exhaustively set out in Article 9. Closure of a formal investigation procedure is envisaged only if the Member State concerned withdraws its notification (Article 10). In the contested decision the Commission disregarded the wording, scheme and purpose of Article 108(2) TFEU and of the regulation on State aid procedure and thus the applicants' procedural rights in the formal investigation procedure. There is in fact no sufficient justification for the closure of the procedure.

⁽¹⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015 L 248, p. 9).