

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court

Trade mark at issue: EU word mark SUPERZINGS — EU trade mark No 16 164 204

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 29 June 2020 in Case R 2511/2019-4

Form of order sought

The applicant claims that the General Court should:

- annul the contested decision;
- order any party or parties opposing this action to pay the costs.

Plea in law

Infringement of Article 60(1)(a), in conjunction with Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 04 September 2020 — Sharpston v Council and Representatives of the Governments of the Member States

(Case T-550/20)

(2020/C 348/37)

Language of the case: English

Parties

Applicant: Eleanor Sharpston (Schoenfels, Luxembourg) (represented by: N. Forwood, Barrister-at-Law and J. Flynn, QC)

Defendants: Council of the European Union, Representatives of the Governments of the Member States

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Representatives of the Governments of the Member States appointing three Judges and an Advocate General to the Court of Justice of the European Union, dated 2 September 2020, in so far as it purports to appoint Mr Anathasios Rantos as Advocate General of the Court of Justice with effect from 7 September 2020;
- order the defendants to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging an error of law in the interpretation of Article 50(3) TEU. It is argued that neither that Article nor any other provision of EU primary law produced or required the automatic termination of the applicant's mandate as Advocate General, which expires on 6 October 2021. There was accordingly no vacant post to which Mr. Rantos could lawfully be appointed.

2. Second plea in law, alleging infringement of the constitutional principle in EU law of the independence of the judiciary. By taking a position on what it knew to be a contested and controversial question relating to the mandate of a serving member of the Court of Justice, the contested decision bypasses the safeguards put in place by EU primary law (in particular in Title I of the Statute of the Court of Justice of the European Union) in order peremptorily to remove that member of the Court of Justice from office.
3. Third plea in law, alleging lack of proportionality and the absence of 'legitimate and compelling grounds'. Neither the terms of the Treaties nor the functions of an Advocate General involve any continuing connection with any Member State after their appointment. Any termination of her mandate would therefore be disproportionate and fail to provide the 'legitimate and compelling grounds' that the case law requires for interference with the mandate of a serving member of the Court of Justice.

Order of the General Court of 17 July 2020 — Kahimbi Kasagwe v Council

(Case T-117/19) ⁽¹⁾

(2020/C 348/38)

Language of the case: French

The President of the Seventh Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 139, 15.4.2019.

Order of the General Court of 8 July 2020 — Bontempi and Others v Sand Cph (WhiteSand)

(Case T-350/19) ⁽¹⁾

(2020/C 348/39)

Language of the case: English

The President of the Tenth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 255, 29.7.2019.

Order of the General Court of 16 July 2020 — IF v Parliament

(Case T-36/20) ⁽¹⁾

(2020/C 348/40)

Language of the case: English

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 114, 6.4.2020.

Order of the General Court of 14 July 2020 — IV v Commission

(Case T-145/20) ⁽¹⁾

(2020/C 348/41)

Language of the case: French

The President of the Third Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 201, 15.6.2020.
