

**Pleas in law and main arguments**

In support of the action, the applicants rely on three pleas in law.

1. First plea in law based on an error which allegedly vitiates the contested decision in that it finds that the complaint filed by the applicants does not fall with the scope of application of Article 24(2) of 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 (JO 2015 L 248, p. 9). The applicants argue to the contrary.
2. Second plea in law, alleging an error in law by the Commission in its interpretation of the scope of application of Article 12(1) of Regulation 2015/1589. The applicants consider that their status as an interested party is sufficient to trigger the obligation for the Commission to open immediately a preliminary examination in respect of any complaint relating to unlawful aid in accordance with that provision.
3. Third plea in law, alleging that the Commission failed in its obligations under Articles 107, 108 and 109 TFEU and Regulation 2015/1589 referred to above. The applicants claim that the Commission is required to ensure that the provisions of TFEU on State aid are applied and cannot fail to act in the examination of a complaint reporting unlawful aid.

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**Action brought on 3 December 2020 — OL v Council****(Case T-714/20)**

(2021/C 44/73)

*Language of the case: Spanish***Parties**

*Applicant:* OL (represented by: J. Viñals Camallonga, J. Iriarte Ángel and E. Delage González, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the General Court should:

- annul Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, in its present wording, in so far as it refers to or may affect the applicant.
- annul Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, in its present wording, in so far as it refers to or may affect the applicant.

**Pleas in law and main arguments**

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

1. First plea in law, alleging manifest error in the assessment of the facts on which the contested restrictions are based at the time those restrictions were extended, in so far as those restrictions were extended in respect of the applicant without any genuine factual or evidential basis.
2. Second plea in law, alleging failure to fulfil the obligation to state reasons, in so far as the contested measures lack proper reasoning in respect of the applicant, which prevents the applicant from putting forward a proper defence.

3. Third plea in law, alleging infringement of the right to freedom of expression, in so far as the alleged declarations, calls to action and demonstrations attributed to the applicant are covered by that right.
4. Fourth plea in law, alleging infringement of the right to effective judicial protection as regards the reasoning for the contested measures, the lack of any genuine factual basis for the reasons given by the Council and infringement of the rights to freedom of expression, defence and property, in so far as the requirement to provide genuine evidence and the requirement to state reasons when extending the contested measures were not met, which affects the other rights.
5. Fifth plea in law, alleging infringement of the right to property, in conjunction with the principle of proportionality, in so far as that right was disproportionately restricted.
6. Sixth plea in law, alleging infringement of the principle of equal treatment, in so far as the comparative position of the applicant was adversely affected without there being any justification.
7. Seventh plea in law, alleging misuse of powers, in so far as there is objective, precise and consistent evidence to show that in imposing and extending the sanctions different objectives were intended to those stated by the Council.

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**Action brought on 9 December 2020 — Perry Street Software v EUIPO — Toolstream (SCRUFFS)**

**(Case T-720/20)**

(2021/C 44/74)

*Language of the case: English*

**Parties**

*Applicant:* Perry Street Software, Inc. (New York, New York, United States) (represented by: M. Hawkins, solicitor and T. Dolde, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Toolstream Ltd (Yeovil, United Kingdom)

**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 word mark SCRUFFS — International registration designating the European Union No 1 171 590

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 29 September 2020 in Case R 550/2020-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party before the Board of Appeal (assuming it intervenes in the proceedings) to bear the costs of the proceedings.

**Pleas in law**

- Failure to carry out a full examination and distortion of facts and evidence pursuant to Article 72(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;