

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.

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;

- Infringement of Article 59(1)(a) in conjunction with Article 7(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 59(1)(a) in conjunction with Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 11 December 2020 — Prigozhin v Council

(Case T-723/20)

(2021/C 44/75)

Language of the case: English

Parties

Applicant: Yevgeniy Viktorovich Prigozhin (Saint Petersburg, Russia) (represented by: M. Lewis, Solicitor)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Regulation (EU) 2020/1481 of 14 October 2020 implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya ⁽¹⁾ and Council Implementing Decision (CFSP) 2020/1483 of 14 October 2020 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya ⁽²⁾;
- order the Council to pay the applicant's costs.

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 that the Council has manifestly erred in considering that any of the criteria for including the applicant on the list of persons, entities and bodies subject to restrictive measures in view of the situation in Libya were fulfilled in the applicant's case. The applicant alleges that the Council has not identified the entity described as Wagner Group, avers that he has no knowledge of an entity known as Wagner Group, that he has not had any links with any such entity and has not been engaged with nor has he supported it.
2. Second plea in law, alleging that the Council infringed its obligation to state its reasons for taking the Decision. It is alleged that the statement of reasons is not appropriate to restrictive measures, does not state the matters of fact and law and does not make actual and specific reference to the precise information contained in the relevant file indicating that a decision has been made in respect of the applicant.
3. Third plea in law, alleging that the Council failed to give adequate and substantiated reasons and made manifest errors of assessment in deciding to make the Decision.
4. Fourth plea in law, alleging that the Council has abused its powers as a result of manifest errors of assessment in deciding to make the Decision. It is alleged that the decision to impose the restrictive measures on the applicant was taken with the exclusive or main purpose of achieving political objectives and not for the stated reasons.