

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark BANDIT — EU trade mark No 1 205 061

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 1 October 2020 in Case R 730/2020-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and order that his rights in EU trade mark No 1 205 061 be re-established in accordance with his application;
- order EUIPO to pay the costs, including those incurred in the proceedings before the Board of Appeal.

Plea in law

- Infringement of Article 104(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 16 December 2020 — Arnautu v Parliament

(Case T-740/20)

(2021/C 44/83)

Language of the case: French

Parties

Applicant: Marie-Christine Arnautu (Paris, France) (represented by: F. Wagner, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the General Court should:

- declare the plea of illegality admissible and Article 33(1) and (2) of the Implementing Measures for the Statute for Members of the European Parliament ('the Implementing Measures') unlawful;
- therefore, find that the decision of the Secretary-General of 21 September 2020 lacks legal basis and annul it;
principally,

— find that Marie-Christine Arnautu has provided evidence of work by her parliamentary assistant consistent with Article 33(1) and (2) of the Implementing Measures and the case-law of the Court of Justice of the European Union;

consequently,

— annul the decision of the Secretary-General of the European Parliament of 21 September 2020, notified by electronic means on 23 October 2020, taken pursuant to Article 68 of Decision 2009/C 159/01 of the Bureau of the European Parliament of 19 May and 9 July 2008 'concerning implementing measures for the Statute for Members of the European Parliament' as amended, making a claim for payment against the applicant for an amount of EUR 87 203,46 in respect of sums unduly paid for parliamentary assistance, and stating reasons for the recovery of those sums;

- annul credit note No 7000001577 of 22 October 2020 making a claim for payment against Marie-Christine Arnautu, following a decision of the Secretary-General for the recovery of sums unduly paid, dated 21 September 2020 and adopted on the basis of Article 68 of the Implementing Measures concerning parliamentary assistance expenses;
- order the European Parliament to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging a plea of illegality in that Article 33 of the Implementing Measures adopted by the decision of 19 May and 9 July 2008 of the Bureau of the European Parliament infringes the principles of legal certainty and legitimate expectations, as a result inter alia of their lack of clarity and precision. The applicant claims that the lack of precision of the contested provisions results in the legal rules laid down in the Implementing Measures being governed by judicial decision. The detail of proof of a parliamentary assistant's work was identified in the *Bilde* and *Montel* cases only in November 2017, since the *Gorostiaga* case of 2005 only concerns proof of payment of salaries by the paying agent. Thus, the contested provisions displayed as early as 2008 elements of uncertainty and lack of clarity. The applicant adds that, despite risks related to legal uncertainty, the European Parliament did not lay down precise and clear rules concerning the procedure for monitoring parliamentary assistance, nor did it formalise the member's obligation to create and preserve, or even the regime of admissible, identifiable and dated evidence.
2. Second plea in law, alleging infringement of an essential procedural requirement and of the rights of the defence. The applicant claims that the Secretary-General did not hear her in infringement of Article 68 of the Implementing measures. She adds that by acting in this way the Secretary-general deprives her of a fundamental right, a direct discussion with the authority which intends to take the decision and a discussion between the parties on the evidence.

Action brought on 22 December 2020 — Veronese v EUIPO — Veronese Design Company (VERONESE)

(Case T-749/20)

(2021/C 44/84)

Language in which the application was lodged: French

Parties

Applicant: Veronese (Paris, France) (represented by: S. Herrburger, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Veronese Design Company Ltd (Kowloon, Hong Kong)

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: European Union figurative mark VERONESE — European Union trade mark No 8 831 844

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 26 October 2020 in Case R 1951/2020-4