

- a continuing violation of Articles 6 and 13 ECHR and 47 of the Charter by the Council's decision to establish the HRRP without powers to provide legal aid to qualifying persons and without powers to enforce its decisions and provide a remedy for the violations found;
- a misuse or abuse of executive power by the Council and the EEAS on 12 October 2017 by asserting that EULEX had done the best it could to investigate the abduction and probable murder of the first applicant's husband and the murder of the second applicant's husband and son and that the Panel was not intended to be a judicial body;
- a misuse or failure to use executive power properly insofar as Council Decision (CFSP) 2018/856<sup>(3)</sup> removed the executive mandate of EULEX on 8 June 2018, whilst the violations remained extant.

<sup>(1)</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 ('the ECHR').

<sup>(2)</sup> Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO (OJ 2008 L 42, p. 92).

<sup>(3)</sup> Council Decision (CFSP) 2018/856 of 8 June 2018 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (OJ 2018 L 146, p. 5).

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**Action brought on 4 January 2021 — Fabryki Mebli 'Forte' v EUIPO — Bog-Fran (Furniture)**

(Case T-1/21)

(2021/C 62/55)

*Language of the case: English*

**Parties**

*Applicant:* Fabryki Mebli 'Forte' S.A. (Ostrów Mazowiecka, Poland) (represented by: H. Basiński, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Bog-Fran sp. z o.o. sp.k. (Warsaw, Poland)

**Details of the proceedings before EUIPO**

*Proprietor of the design at issue:* Applicant before the General Court

*Design at issue:* registered Community design No 1 384 002-0034

*Contested decision:* Decision of the Third Board of Appeal of EUIPO of 28 October 2020 in Case R 595/2020-3

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision and remit the appeal back to the EUIPO;
- order EUIPO and the other party to bear the costs of the appeal proceedings and the proceedings before the General Court and to reimburse applicant's costs.

**Pleas in law**

- Infringement of Article 7(1) of Council Regulation (EC) No 6/2002;

— Infringement of Article 6(1)(b) of Council Regulation (EC) No 6/2002.

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**Action brought on 5 January 2021 — Emmentaler Switzerland v EUIPO (EMMENTALER)**

**(Case T-2/21)**

(2021/C 62/56)

*Language of the case: German*

**Parties**

*Applicant:* Emmentaler Switzerland (Berne, Switzerland) (represented by: S. Völker and M. Pemsel, lawyers)

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

**Details of the proceedings before EUIPO**

*Trade mark at issue:* International registration designating the European Union in respect of the word mark EMMENTALER — International registration designating the European Union No 1 378 524

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 28 October 2020 in Case R 2402/2019-2

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs, including those incurred in the proceedings before the Board of Appeal.

**Pleas in law**

- Infringement of Article 74(2) 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;
- Infringement of Article 7(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 5 January 2021 — Power Horse Energy Drinks v EUIPO — Robot Energy Europe (UNSTOPPABLE)**

**(Case T-3/21)**

(2021/C 62/57)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Power Horse Energy Drinks GmbH (Linz, Austria) (represented by: M. Woller, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Robot Energy Europe (Mijas, Spain)