

Pleas in law and main arguments

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

1. First plea in law, alleging that the European Commission violated its obligation to state reasons pursuant Article 296(2) TFEU;
2. Second plea in law, alleging that the European Commission committed a manifest error of assessment in refusing to adopt a legislative proposal following the submission of the successful European citizens' initiative 'Minority SafePack — one million signatures for diversity in Europe'.

Action brought on 30 March 2021 — Magnetec v EUIPO (Light blue)**(Case T-168/21)**

(2021/C 217/61)

*Language of the case: German***Parties**

Applicant: Magnetec GmbH (Langensfeld, Germany) (represented by: M. Kloth, R. Briske and D. Habel, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for registration of EU colour mark (Light blue) — Application for registration No 18 022 608

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 18 January 2021 in Case R 217/2020-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs, including the costs incurred in the appeal proceedings.

Pleas in law

- Infringement of Article 49(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in conjunction with Article 33 thereof;
- Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 26 March 2021 — The Smiley Company v EUIPO — SC Ha Ha Ha Production (SMILEY)**(Case T-169/21)**

(2021/C 217/62)

*Language of the case: English***Parties**

Applicant: The Smiley Company SPRL (Brussels, Belgium) (represented by: B. Fontaine, lawyer)