

- with regard to other rights:
 - declare that the applicants should have been recruited as temporary agents by one of the first three defendants and declare that the first three defendants treated the applicants unlawfully and in a discriminatory manner, without objective justification, as regards their remuneration, pension rights and related benefits, and the guarantee of future employment;
 - order the first three defendants to compensate each of the applicants for the damage suffered as a result of the non-application of the remuneration, pension rights, allowances and benefits arising from the application of the Conditions of Employment of Other Servants of the European Union, caused by the unlawful unequal treatment;
 - order them to pay interest on those sums;
 - set a time limit for the parties to assess that compensation, taking account of the grade and step in which the applicants should have been respectively recruited, the average increase in their remuneration, the development of their respective careers, the allowances which they should then have received under those contracts of temporary agents, and compare the results obtained with the remuneration actually received by the applicants;

alternatively:

- order the first three defendants to compensate the applicants in respect of their non-contractual liability resulting from the failure to respect their fundamental rights, assessed *ex aequo et bono* at EUR 20 000 per year of seniority;
- order them to pay interest on those sums;

order the defendants to pay the costs.

Pleas in law and main arguments

In support of their action, the applicants rely on seven pleas in law which are, in essence, identical or similar to those relied on in Case T-183/21, *QP and Others v Council and Others*.

Action brought on 12 April 2021 — Laboratories Ern v EUIPO — Beta Sports (META)

(Case T-192/21)

(2021/C 217/71)

Language in which the application was lodged: Spanish

Parties

Applicant: Laboratorios Ern, SA (Barcelona, Spain) (represented by: T. González Martínez, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Beta Sports LLC (Coconut Creek, Florida, United States)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for the EU word mark META — Application for registration No 17 973 308

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 22 January 2021 in Case R 1152/2020-2

Forms of order sought

The applicant claims that the Court should:

- annul the contested decision;
- reject the application for European Union trade mark No 17 973 308 META in Class 5;
- order the defendant, or if applicable, the intervener, to pay the costs.

Plea in law

Infringement of Article 8(1)(b) of Regulation (EU) No 2017/1001 of the European Parliament and of the Council.

**Action brought on 12 April 2021 — Fidia farmaceutici v EUIPO — Stelis Biopharma
(HYALOSTEL ONE)**

(Case T-194/21)

(2021/C 217/72)

Language of the case: English

Parties

Applicant: Fidia farmaceutici SpA (Abano Terme, Italy) (represented by: R. Kunz-Hallstein and H. Kunz-Hallstein, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Stelis Biopharma ltd. (Karnataka, India)

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 figurative HYALOSTEL ONE mark — International registration designating the European Union No 1 399 649

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 27 January 2021 in Case R 831/2020-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs, in the alternative, if the other party before the Board of Appeal intervenes, order EUIPO and the intervener jointly and severally to pay the costs.