

Action brought on 12 April 2021 — Lea Nature Services v EUIPO — Debonair Trading Internacional (SO...?)

(Case T-197/21)

(2021/C 217/74)

Language of the case: English

Parties

Applicant: Lea Nature Services (Périgny, France) (represented by: F. Drageon, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Debonair Trading Internacional Lda (Funchal, Portugal)

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 word mark SO...? — European Union trade mark No 485 078

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 11 February 2021 in Case R 1234/2020-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order the defendant and the other party to the proceedings before the Board of Appeal to bear the costs, which they have incurred in the course of the proceedings before the General Court.

Pleas in law

- 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.

Action brought on 12 April 2021 — Ancor Group v EUIPO — Cody's Drinks International (CODE-X)

(Case T-198/21)

(2021/C 217/75)

Language in which the application was lodged: German

Parties

Applicant: Ancor Group GmbH (Igersheim, Germany) (represented by: J. Wachsmuth and W. Berlit, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Cody's Drinks International GmbH (Bremen, Germany)

Details of the proceedings before EUIPO

Applicant for the mark at issue: Applicant

Trade mark at issue: Application for EU work mark CODE-X — Application for registration No 17 893 826

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 4 February 2021 in Case R 208/2020-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- confirm the decision of the Opposition Division of 28 November 2018 rejecting the opposition brought against EU trade mark application No 17 893 826;
- order EUIPO to pay the costs.

Plea in law

- Infringement of 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 30 March 2021 — EurO3zon v ECHA

(Case T-199/21)

(2021/C 217/76)

Language of the case: English

Parties

Applicant: EurO3zon (Zemst, Belgium) (represented by: I. de Seze, F. Puel, and L. Marchal, lawyers)

Defendant: European Chemicals Agency

Form of order sought

The applicant claims that the Court should:

- annul the defendant's act to suspend the evaluation of the applicant's active substance dossier on Ozone (O₃), under the Biocidal products Regulation (¹), and to combine this evaluation procedure with another applicant's dossier; and
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that the defendant acted ultra vires and lacked the competence to adopt the contested act as the defendant enjoys no express or implicit power to act in the field of evaluations of biocidal active substances under EU law or mandatory data sharing in the absence of a legal provision.
 - Furthermore, it is argued that the justification alleged by the defendant for the contested act is a document that minutes the consensus of the European Commission and the Member States sitting at the Biocides Committee; it is neither adequate as its subject matter, nor binding in nature on the defendant.