

4. Fourth plea in law, alleging that the Commission erred in relying on Standard Rules of Procedure for Committees to support its refusal; and
5. Fifth plea in law, alleging that the contested decision violates general principles of transparency and undermines the democratic legitimacy of implementing acts.

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- (<sup>1</sup>) Editorial note: The requested documents concern a comitology procedure and, in particular, documents relating to the voting record of certain Member States with regard to the draft Commission Regulation amending Annex III to Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards botanical species containing hydroxyanthracene derivatives.
- (<sup>2</sup>) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).
- (<sup>3</sup>) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ 2011 L 55, p. 13).

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**Action brought on 13 April 2021 — Vita Zahnfabrik v EUIPO — VIPI Produtos Odontológicos (VITABLOCS TriLuxe forte)**

**(Case T-202/21)**

(2021/C 217/79)

*Language of the case: English*

**Parties**

*Applicant:* Vita Zahnfabrik H. Rauter GmbH & Co. KG (Bad Säckingen, Germany) (represented by: A. Theis and F. Hauck, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* VIPI Indústria, Comércio, Exportação E Importação De Produtos Odontológicos LTDA (Pirassununga, Brazil)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* International registration designating the European Union in respect of the word mark VITABLOCS TriLuxe forte — International registration designating the European Union No 1 346 271

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 9 February 2021 in Case R 818/2020-4

**Form of order sought**

The applicant claims that the Court should:

- alter the contested decision in the way that the opposition against the European Union part of the international registration No 1 346 271 is dismissed in its entirety and that the costs of the proceedings before the EUIPO are imposed on the other party to the proceedings before the Board of Appeal;
- annul the contested decision as an auxiliary request;
- impose the costs of these proceedings before the General Court on EUIPO.

**Plea in law**

- Misapplication of Articles 47(5) and 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 12 April 2021 — IN.PRO.DI v EUIPO — Aiello (CAPRI)****(Case T-203/21)**

(2021/C 217/80)

*Language in which the application was lodged: Italian***Parties**

*Applicant:* IN.PRO.DI — Inghirami produzione distribuzione SpA (Milan, Italy) (represented by: V. Piccarreta, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Antonino Aiello (Naples, Italy)

**Details of the proceedings before EUIPO**

*Applicant for the trade mark at issue:* Applicant before the Board of Appeal

*Trade mark at issue:* Application for EU word mark CAPRI — Application for registration No 13 768 197

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 3 February 2021 in Case R 49/2020-1

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision and, consequently, as a correction of the decision of the Opposition Division of 12 November 2019, declare that the opposition against the application for registration of European trade mark No 13 768 197 is rejected in its entirety, and thus the application for registration granted in its entirety;
- order A. Aiello to pay the costs in relation to all of the proceedings.

**Plea in law**

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

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**Action brought on 14 April 2021 — Stryker v EUIPO (RUGGED)****(Case T-204/21)**

(2021/C 217/81)

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

*Applicant:* Stryker Corp. (Kalamazoo, Michigan, United States) (represented by: I. Fowler, I. Junkar, and B. Worbes, lawyers)

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