

Action brought on 4 May 2021 — Fidelity National Information Services v EUIPO — IFIS (FIS)**(Case T-237/21)**

(2021/C 252/38)

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

Applicant: Fidelity National Information Services, Inc. (Jacksonville, Florida, United States) (represented by: P. Wilhelm, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Banca IFIS SpA (Mestre, Italy)

Details of the proceedings before EUIPO

Applicant of the trademark at issue: Applicant before the General Court

Trade mark at issue: Application for European Union figurative mark FIS — Application for registration No 13 232 236

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 26 February 2021 in Case R 1460/2020-1

Form of order sought

The applicant claims that the Court should:

- set aside the contested decision;
- order the EUIPO and the other party to the proceedings before the Board of Appeal to pay the costs incurred by the applicant in connection with this appeal.

Plea in law

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

Action brought on 5 May 2021 — Varabei v Council**(Case T-245/21)**

(2021/C 252/39)

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

Applicant: Mikalai Mikalevich Varabei (Novopolotsk, Belarus) (represented by: G. Kremslehner, H. Kühnert, lawyers, and M. Lester QC)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul with immediate effect Council Decision (CFSP) 2021/353 of 25 February 2021 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus⁽¹⁾ and Council Implementing Regulation (EU) 2021/339 of 25 February 2021 implementing Article 8a of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus⁽²⁾.

— order the Council to bear its own costs and to pay the costs of the Applicant.

Pleas in law and main arguments

In support of the action, the applicant relies on one plea in law alleging manifest errors of assessment. The applicant invokes that the Council has not explained how the applicant's business interests demonstrate either that the applicant benefits from or that he supports the Lukashenka regime. To the contrary, the applicant's interests in the petroleum, coal transit and banking sectors are not of a type or magnitude that would indicate that the applicant supports or benefits from the regime in any way.

In addition, the applicant claims that his listing cannot be sustained on the basis that he is the co-owner of Bremino Group. The latter has not received any selective tax benefits nor other forms of support from the Belarusian administration.

⁽¹⁾ OJ L 68, 26.2.2021, p. 189.

⁽²⁾ OJ L 68, 26.2.2021, p. 29.

Action brought on 7 May 2021 — Fibrecycle v EUIPO (BACK-2-NATURE)

(Case T-248/21)

(2021/C 252/40)

Language of the case: English

Parties

Applicant: Fibrecycle Pty Ltd (Helensvale, Australia) (represented by: T. Stein, lawyer)

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 BACK-2-NATURE — International registration designating the European Union No 1 485 655

Contested decision: Decision of the Second Board of Appeal of EUIPO of 3 March 2021 in Case R 1699/2020-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs of the applicant.

Plea in law

— Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
