

2. Second plea in law, alleging that the contested decision erred in law by relying on Article 85a(2) of the Commission Regulation No 2342/2002 to reject the applicants' request for compensation, in the situation where (i) Regulation No 2342/2002 was not applicable at the relevant time, and (ii) compliance with Article 90 of Regulation No 1268/2012 (and *mutatis mutandis* Article 85a(2) of Commission Regulation No 2342/2002) does not relieve the Commission from its obligation to pay default interest in accordance with the first paragraph of Article 266 TFEU.

---

**Action brought on 4 June 2021 — TA v Parliament**

**(Case T-314/21)**

(2021/C 289/67)

*Language of the case: French*

**Parties**

*Applicant:* TA (represented by: M. Casado García-Hirschfeld, lawyer)

*Defendant:* European Parliament

**Form of order sought**

The applicant claims that the Court should:

- declare the present action admissible;
- order the annulment of the applicant's appraisal report for 2019 and, in so far as necessary, the annulment of Mr Welle's decision of 29 March 2021 in response to the complaint within the meaning of Article 90(2) of the Staff Regulations;
- order the defendant to pay all the costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging an infringement of Article 43 of the Staff Regulations of Officials of the European Union ('the Staff Regulations'), Article 5(2) and Article 6(11) of the internal rules on the application of the general provisions for implementing Article 43 of the Staff Regulations, and infringement of Articles 15(2) and 87(1) of the Conditions of Employment of Other Servants of the European Union. The applicant submits, in particular, that, by failing to take into account the absence of objectives set for 2019, the assessors disregarded the abovementioned provisions.
2. Second plea in law, alleging material inaccuracies in the facts which gave rise to a manifest error of assessment.

---

**Action brought on 4 June 2021 — Laboratorios Ern v EUIPO — Nordesta (APIAL)**

**(Case T-315/21)**

(2021/C 289/68)

*Language of the case: English*

**Parties**

*Applicant:* Laboratorios Ern, SA (Barcelona, Spain) (represented by: I. Miralles Llorca, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Nordesta GmbH (Munich, Germany)

**Details of the proceedings before EUIPO**

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

*Trade mark at issue:* Application for European Union word mark APIAL — Application for registration No 17 958 998

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 25 March 2021 in Case R 1560/2020-4

**Form of order sought**

The applicant claims that the Court should:

- revoke the contested decision and reject the granting of the European Union trade mark No<sup>o</sup>17 958 998 APIAL for all goods in class 3, 4 and 5;
- order EUIPO and, in case Nordesta GmbH decides to intervene in the present proceedings, Nordesta GmbH, to pay the costs.

**Pleas in law**

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

---

**Action brought on 6 June 2021 — Worldwide Machinery v EUIPO — Scaip  
(SUPERIOR MANUFACTURING)**

(Case T-316/21)

(2021/C 289/69)

*Language of the case: English*

**Parties**

*Applicant:* Worldwide Machinery Ltd (Channelview, Texas, United States) (represented by: B. Woltering, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Scaip SpA (Parma, Italy)

**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 figurative mark SUPERIOR MANUFACTURING — European Union trade mark No 11 385 333

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 25 March 2021 in Case R 873/2020-5

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision in its entirety and the decision of the Cancellation Division of 12 March 2020 in Cancellation [Proceedings] No 28 762 C in so far that the request for revocation of the European Union trade mark (No 11 385 333) was rejected;