

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 WELLMONDE — Application for registration No 16 152 803

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 23 June 2021 in Case R 1776/2020-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

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 22 September 2021 — L'Oréal v EUIPO — Heinze (K K WATER)

(Case T-610/21)

(2021/C 481/48)

Language of the case: English

Parties

Applicant: L'Oréal (Paris, France) (represented by: T. de Haan, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Arne-Patrik Heinze (Hamburg, Germany)

Details of the proceedings before EUIPO

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

Trade mark at issue: Application for European Union figurative mark K K WATER — Application for registration No 18 092 777

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 21 June 2021 in Case R 2327/2020-2

Form of order sought

The applicant claims that the Court should:

— set aside the contested decision;

— order EUIPO and the intervener to bear the costs, including those incurred by the applicant before the Office's Second Board of 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 24 September 2021 — KPMG Advisory v Commission**(Case T-614/21)**

(2021/C 481/49)

*Language of the case: Italian***Parties**

Applicant: KPMG Advisory SpA (Milan, Italy) (represented by: G. Roberti, I. Perego and R. Fragale, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- (i) pursuant to the fourth paragraph of Article 263, annul, in whole or in part, the *decision of 13th July 2021 on the exclusion of KPMG Advisory S.p.A. from participating in award procedures governed by Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council or from being selected for implementing Union funds [Ref. Ares(2021)4544873]*, notified on 14 July 2021 ('the contested decision');
- (ii) in the alternative, pursuant to Article 261 TFEU and Article 143(9) of the 2018 Financial Regulation, annul or reduce the exclusion penalty and/or annul the publication penalty imposed by the contested decision;
- (iii) if need be, declare, pursuant to Article 277 TFEU, that Article 73(3) of Regulation 2018/1046 ⁽¹⁾ and/or Article 146 (6) of Regulation 2018/1046 is unlawful, and
- (iv) in any event, order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of essential procedural requirements and of the principle of collective responsibility.
 - The applicant claims in that regard that the decision is vitiated by an infringement of essential procedural requirements and of the principle of collective responsibility in so far as it was not adopted by the Commission but by the Director-General contrary to the requirements relating to delegation laid down in Articles 1 and 14 of the Rules of Procedure of the Commission.
 - The applicant also raises a plea of illegality in respect of Article 73(3) of Regulation 2018/1046.
2. Second plea in law, alleging infringement of the rights of the defence and of the fundamental right to good administration.
 - The applicant claims in that regard that the decision is flawed in so far as the applicant was not given the opportunity to exercise fully its right to be heard, before the authorising officer responsible for the adoption of the decision in particular.
 - The applicant claims, in addition, that the obligation to undertake an impartial and diligent examination, enshrined in Article 41 of the Charter, was infringed.
 - The applicant also raises a plea of illegality in respect of Article 136(6) of Regulation 2018/1046.