

Form of order sought

The applicant claims that the Court should:

- annul the Commission Decision of 13 January 2022 in Case M.9343 — Hyundai Heavy Industries Holdings / Daewoo Shipbuilding & Marine Engineering in its totality (the Decision); and
- order the Commission to bear its costs and pay the applicant's costs for the present proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging errors of law regarding the Commission's attempt to demonstrate the creation of a dominant position on the basis of a substantive analysis that is disconnected from the legal test that the Decision purports to apply.
2. Second plea in law, alleging errors of law and assessment and a failure to provide sufficient reasoning regarding the Commission's conclusion that the contested transaction would have created a dominant position resulting in a substantial impediment to effective competition in the internal market because of (a) the reliance on market shares as 'prima facie' evidence of the creation of a dominant position despite persistently low margins, structural overcapacity and infrequent tenders, (b) the failure to recognize the competitive constraints exercised by competitors and a flawed pivotality assessment, (c) the dismissal of the customers' obvious buyer power in a market characterized by overcapacity and infrequent, high value tenders, (d) the failure to establish how the contested transaction would lead to a significant impediment to effective competition in the internal market, and (e) the incorrect assessment of the range of possible outcomes that would have prevailed absent the contested transaction.
3. Third plea in law, alleging a violation of the right of defence and the right to good administration due to the Commission's failure to adopt a Supplementary Statement of Objections to remedy to the lack of clarity on the key aspects of the Statement of Objections and the reliance on evidence not included in the Statement of Objections.
4. Fourth plea in law, alleging a breach of the duty of care due to the fact that much of the Statement of Objection's evidence was outdated by the time the Commission adopted its Decision, and that it failed to investigate carefully and impartially the most critical facts, prejudging the outcome of the contested transaction.

**Action brought on 22 March 2022 — Dehaen v EUIPO — National Geographic Society
(NATIONAL GEOGRAPHIC)**

(Case T-157/22)

(2022/C 207/60)

Language in which the application was lodged: English

Parties

Applicant: Karolien Dehaen (Schilde, Belgium) (represented by: T. van Innis and A. Van der Planken, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: National Geographic Society (Washington, District of Columbia, United States)

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 NATIONAL GEOGRAPHIC –European Union trade mark No 2 148 799

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 17 December 2021 in Case R 972/2020-1

Form of order sought

The applicant claims that the Court should:

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

Plea in law

- Infringement of Article 58(1)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

**Action brought on 22 March 2022 — Dehaen v EUIPO — National Geographic Society
(NATIONAL GEOGRAPHIC)**

(Case T-158/22)

(2022/C 207/61)

Language in which the application was lodged: English

Parties

Applicant: Karolien Dehaen (Schilde, Belgium) (represented by: T. van Innis and A. Van der Planken, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: National Geographic Society (Washington, District of Columbia, United States)

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 NATIONAL GEOGRAPHIC –European Union trade mark No 9 419 731

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 17 December 2021 in Case R 975/2020-1

Form of order sought

The applicant claims that the Court should:

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

Plea in law

- Infringement of Article 58(1)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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