

Action brought on 22 April 2022 — Wallmax v EUIPO — Roxtec (Representation of a blue square containing eight concentric black circles)

(Case T-219/22)

(2022/C 237/84)

Language in which the application was lodged: English

Parties

Applicant: Wallmax Srl (Milan, Italy) (represented by: F. Ferrari, L. Goglia and G. Rapaccini, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Roxtec AB (Karlskrona, Sweden)

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 (Representation of a blue square containing eight concentric black circles) — European Union trade mark No 7 376 023

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 10 February 2022 in Case R 1093/2021-2

Form of order sought

The applicant claims that the Court should:

- partially annul the contested decision, in the part in which the Second Board of Appeal holds that the contested trademark is not invalid pursuant to Article 7(e)(ii) of Regulation (EU) 2017/1001 of the European Parliament and of the Council for the following goods: Class 6 — Cable and pipe penetration seals, made from metal; sealing frames made from metal; Class 17 — Sealing frames, made from plastic or rubber; Class 19 — Non-metallic rigid pipes for building; non-metallic sealing frames;
- partially annul the contested decision, in the part in which the Second Board of Appeal annulled the Cancellation Division's decision in relation to the decision on costs;
- as a consequence of the above, uphold EUIPO's Cancellation Division decision rendered on 23 April 2021;
- order EUIPO to pay the costs of the present proceedings.

Plea in law

- Infringement of Article 7(1)(e)(ii) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 25 April 2022 — CiviBank v ECB

(Case T-220/22)

(2022/C 237/85)

Language of the case: Italian

Parties

Applicant: Banca di Cividale SpA — Società Benefit (CiviBank) (Cividale del Friuli, Italy) (represented by: M. Merola, A. Cassano and A. Cogoni, lawyers)

Defendant: European Central Bank

Form of order sought

The applicant claims that the Court should:

- annul, pursuant to the fourth paragraph of Article 263 TFEU, the decision of the European Central Bank (ECB) (ECB-SSM-2022-IT-7 (QLF-2021-0155)) of 23 March 2022 (contained in a single act or in several acts) by which the ECB authorised Banca Sparkasse and Fondazione Sparkasse to: (i) acquire and maintain a shareholding higher than 10 % of the share capital and voting rights of CiviBank; (ii) exceed that shareholding and acquire directly a controlling shareholding in CiviBank, following, and as a result of, the public global voluntary tender offers launched on the market on 9 December 2021 under Articles 4 and 6 of Council Regulation (EU) No 1024/2013⁽¹⁾ of 15 October 2013, Articles 19, 22, 53 and 67 of the Consolidated Banking Law and its related implementing rules.
- order the defendant to pay the costs incurred by the applicant in the present proceedings.

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 incorrect application of Article 23 of Directive 2013/36, infringement of Article 86 of Regulation 468/2014 and of Article 49 TFEU and breach of the general principle of EU law of non-discrimination in assessing the suitability of the purchaser.
2. Second plea in law, alleging failure to state sufficient reasons in the contested decision and resulting infringement of Article 296 TFEU, of the rights of the defence guaranteed by Article 41 of the Charter of Fundamental Rights and of the corresponding general legal principles which can be inferred from the constitutional traditions common to the Member States.

⁽¹⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ 2013 L 287, p. 63).

Action brought on 25 April 2022 — Pharmaselect International v EUIPO — OmniActive Health Technologies (LUTAMAX)**(Case T-221/22)**

(2022/C 237/86)

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

Applicant: Pharmaselect International Beteiligungs GmbH (Vienna, Austria) (represented by: S. Jackermeier and D. Wiedemann, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: OmniActive Health Technologies Ltd (Mumbai, India)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union word mark LUTAMAX — European Union trade mark No 3 472 974

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 24 February 2022 in Joined Cases R 524/2021-1 and R 649/2021-1