

Pleas in law

- Infringement of Articles 60 and 8 of Regulation (EU) No 2017/1001 of the European Parliament and of the Council.
- Infringement of Article 42 of the Rules of Procedure of the Boards of Appeal.
- Infringement of Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 16 May 2022 — Consulta v EUIPO — Karlinger (ACASA)**(Case T-267/22)**

(2022/C 257/53)

*Language in which the application was lodged: German***Parties***Applicant:* Consulta GmbH (Cham, Switzerland) (represented by: M. Kinkeldey and S. Brandstätter, lawyers)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Mario Karlinger (Sölden, Austria)**Details of the proceedings before EUIPO***Proprietor of the trade mark at issue:* Applicant*Trade mark at issue:* EU word mark ACASA — EU trade mark No 7 587 165*Proceedings before EUIPO:* Invalidity proceedings*Contested decision:* Decision of the First Board of Appeal of EUIPO of 24 January 2022 in Case R 487/2021-1**Form of order sought**

The applicant claims that the Court should:

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

Pleas in law

- Infringement of Article 59(1)(a) read in conjunction with Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 72(2) read in conjunction with Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the principles developed in the case-law of the General Court of the European Union on the interpretation of those provisions of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 17 May 2022 — Pumpyansky v Council**(Case T-270/22)**

(2022/C 257/54)

*Language of the case: English***Parties***Applicant:* Dmitry Alexandrovich Pumpyansky (Ekaterinburg, Russia) (represented by: G. Lansky, P. Goeth, A. Egger, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul, pursuant to Article 263 TFEU, Council Decision (CFSP) 2022/397 of 9 March 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine⁽¹⁾ as well as Council Implementing Regulation (EU) 2022/396 of 9 March 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine⁽²⁾ ('Contested Acts'), in so far as those acts concern the applicant; and
- order the Council to pay the costs pursuant to Article 134 of the Rules of Procedure.

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 unlawful infringement of the applicant's fundamental rights, including the right to private and family life, home and communications as well as property.
 - In listing the applicant by way of the Contested Acts, the Council acted in breach of the principle of proportionality under Article 52 of the Charter of Fundamental Rights.
2. Second plea in law, alleging an error of assessment by the Council in including the applicant's name in the annexes to the Contested Acts.
 - The Council's reasons for listing the applicant are materially flawed.
 - The Council fails to identify the individual, specific and concrete reasons why restrictive measures were imposed on the applicant, and the reasons relied on are not sufficiently detailed, contrary to the Council's obligations.
 - The evidence provided is insufficient to support the listing of the applicant by way of the Contested Acts.

⁽¹⁾ OJ 2022, L 80, p. 31.

⁽²⁾ OJ 2022, L 80, p. 1.

Action brought on 17 May 2022 — Melnichenko v Council

(Case T-271/22)

(2022/C 257/55)

Language of the case: English

Parties

Applicant: Andrey Melnichenko (St. Moritz, Switzerland) (represented by: G. Lansky, P. Goeth, A. Egger, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul, pursuant to Article 263 TFEU, Council Decision (CFSP) 2022/397 of 9 March 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine⁽¹⁾ as well as Council Implementing Regulation (EU) 2022/396 of 9 March 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine⁽²⁾ ('Contested Acts'), in so far as those acts concern the applicant; and