

**Action brought on 17 May 2022 — Groz-Beckert v EUIPO (Position mark consisting of the colours red and white on cuboid packaging)**

(Case T-277/22)

(2022/C 257/58)

*Language of the case: German*

**Parties**

*Applicant:* Groz-Beckert KG (Albstadt, Germany) (represented by: M. Nielen and U. Kaufmann, lawyers)

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

**Details of the proceedings before EUIPO**

*Trade mark at issue:* Application for the position mark consisting of the colours red and white on cuboid packaging — Application No 18 243 038

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 2 March 2022 in Case R 1444/2021-5

**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 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the first sentence of Article 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 18 May 2022 — Mazepin v Council**

(Case T-282/22)

(2022/C 257/59)

*Language of the case: English*

**Parties**

*Applicant:* Dmitry Arkadievich Mazepin (Moscow, Russia) (represented by: D. Rovetta, M. Campa, M. Moretto and V. Villante, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- annul the 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 <sup>(1)</sup>, and the Council Implementing Regulation (EU) 2022/396 of 9 March 2022, implementing Regulation (EU) 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine <sup>(2)</sup>; and
- order the Council to bear the costs of the 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 infringement of the obligation to state reasons, of Article 296 TFEU and of Article 41 of the Charter of Fundamental Rights, as well as breach of the right to effective judicial protection and of Article 47 of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging manifest error of assessment, failure to discharge the burden of proof, breach of the listing criteria set forth in Article 1(1)(a) and (e) and 2(1)(a) and (g) of Council Decision 2014/145/CFSP of 17 March 2014 and in Article 3(1)(a), and (g) of the Council Regulation (EU) No 269/2014 of 17 March 2014, both concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.
3. Third plea in law, alleging breach of the principle of proportionality and the breach of the applicant's fundamental rights to property and freedom to conduct business (Article 16 and 17 of the Charter of Fundamental Rights of the European Union).
4. Fourth plea in law, alleging infringement of the fundamental principle of non-discrimination.

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<sup>(1)</sup> OJ 2022, L 80, p. 31.

<sup>(2)</sup> OJ 2022, L 80, p. 1.

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### Action brought on 19 May 2022 — Moshkovich v Council

(Case T-283/22)

(2022/C 257/60)

*Language of the case: English*

### Parties

*Applicants:* Vadim Nikolaevich Moshkovich (Tambov, Russia) (represented by: D. Rovetta, M. Campa, T. Bontinck, A. Guillerme, L. Burguin, M. Moretto, V. Villante and M. Pirovano, lawyers)

*Defendant:* Council of the European Union

### Form of order sought

The applicant claims that the Court should:

- annul the 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 <sup>(1)</sup>, and the Council Implementing Regulation (EU) 2022/396 of 9 March 2022, implementing Regulation (EU) 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine <sup>(2)</sup>; and
- order the Council to bear the costs of the 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 breach of the right to effective judicial protection and of Article 47 of the Charter of Fundamental Rights of the European Union, as well as a breach of the obligation to state reasons and of Article 296 TFEU.
2. Second plea in law, alleging manifest error of assessment and breach of the listing criteria set forth in Article 1 (1) and 2(1) of Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, and of Article 3 (1) of the Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.