

- It is argued that the contested decision is based on a reading of Article 17 of the PPP Regulation which is not compatible with:
  - the substantial requirements laid down in Articles 4, 5 and 21 of and point 3.6.5. of Annex II to the PPP Regulation and contained in Articles 9, 11, 168 and 191 TFEU and in Articles 35 and 37 of the Charter of Fundamental Rights of the EU;
  - the expediency requirements contained in Articles 7, 9, 12, 14 and 15 of the PPP Regulation.
2. Second plea in law, in subsidiary order, alleging that Article 17 of the PPP Regulation must be disapplied, according to Article 277 TFEU, because it is contrary to the precautionary principle, Articles 9, 11, 168 and 191 TFEU, and Articles 35 and 37 of the Charter of Fundamental Rights of the EU.
- It is argued that, if the Court were to take the view that the contested decision (and the Commission Implementing Regulation) is based on a sound reading of Article 17 of the PPP Regulation, this legislative provision should be set aside for the purpose of the present proceedings, pursuant to Article 277 TFEU, because it would be contrary to the precautionary principle, Articles 9, 11, 168 and 191 TFEU and Articles 35 and 37 of the Charter. Accordingly, Article 17 could not serve as a proper legal justification for the contested decision, which must therefore be annulled.

(<sup>1</sup>) Commission Implementing Regulation (EU) 2021/2068 of 25 November 2021 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances benfluralin, dimoxystrobin, fluazinam, flutolanil, mecoprop-P, mepiquat, metiram, oxamyl and pyraclostrobin (OJ 2021 L 421, p. 25).

(<sup>2</sup>) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ 2009 L 309, p. 1).

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**Action brought on 4 July 2022 — Cyprus v EUIPO — Fontana Food (GRILLOUMI)**

**(Case T-415/22)**

(2022/C 326/31)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Republic of Cyprus (represented by: S. Malynicz, Barrister-at-Law, and C. Milbradt, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Fontana Food AB (Tyresö, Sweden)

**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 GRILLOUMI — Application for registration No 15 963 291

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 13 April 2022 in Case R 1284/2018-2

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to the proceedings before the Board of Appeal to bear their own costs and pay those of the applicant for annulment.

**Pleas in law**

- The Board of Appeal infringed Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council by wrongly analysing the likelihood of confusion regarding certification marks;
- The Board of Appeal further infringed Article 8(1)(b) of Regulation (EU) 2017/1001 when it carried out an erroneous analysis of the similarity of goods versus services in this case;
- The Board of Appeal also erred under Article 8(1)(b) of Regulation (EU) 2017/1001 when considering the role of distinctiveness as regards certification marks.

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**Action brought on 6 July 2022 — MEDEX v EUIPO — Gerrit Cornelis Johan Stein (medex)****(Case T-419/22)**

(2022/C 326/32)

*Language in which the application was lodged: English***Parties***Applicant:* MEDEX, živilska industrija, d.o.o. (Ljubljana, Slovenia) (represented by: N. Čuden, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Gerrit Cornelis Johan Stein (Elp, Netherlands)**Details of the proceedings before EUIPO***Proprietor of the trade mark at issue:* Applicant before the General Court*Trade mark at issue:* European Union figurative mark medex in colours maroon, yellow and white — European Union trade mark No 10 307 494*Procedure before EUIPO:* Cancellation proceedings*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 3 May 2022 in Case R 1361/2021-5**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 the obligation to state reasons under Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 58, in particular Article 58(1)(a), and Article 58(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 11 July 2022 — Coljnar v EUIPO — Barbarian Sports Wear (Barbarian Fashion)****(Case T-427/22)**

(2022/C 326/33)

*Language in which the application was lodged: Slovenian***Parties***Applicant:* Nataly Coljnar (Maribor, Slovenia) (represented by: A. Pregelj, lawyer)