

Action brought on 11 November 2022 — Portal Golf Gestión v EUIPO — Augusta National (imaster.golf)

(Case T-677/22)

(2023/C 15/58)

Language in which the application was lodged: English

Parties

Applicant: Portal Golf Gestión, SA (Madrid, Spain) (represented by: J. Garrido Pastor, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Augusta National, Inc. (Augusta, Georgia, United States)

Details of the proceedings before EUIPO

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

Trade mark at issue: Application for European Union figurative mark imaster.golf — Application for registration No 17 995 602

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 30 August 2022 in Case R 2204/2021-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- allow the registration of the mark applied for in respect of all the goods and services covered;
- change the decisions on costs issued by the Opposition Division and the Appeal Division ordering to pay costs to the other side;
- order EUIPO to pay the costs of the proceedings before the Court.

Plea in law

- Infringement of Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 14 November 2022 — Shaman Spirits/EUIPO — Global Drinks Finland (LAPLANDIA Land of purity et al.)

(Case T-679/22)

(2023/C 15/59)

Language in which the application was lodged: English

Parties

Applicant: Oy Shaman Spirits Ltd (Tyrnävä, Finland) (represented by: R. Almaraz Palmero, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Global Drinks Finland Oy (Helsinki, Finland)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade marks at issue: European Union figurative marks LAPLANDIA Land of purity et al. — European Union trade marks No 6 491 914, No 7 087 281 and No 14 786 883

Procedure before EUIPO: Procedure for entering licences in the Register

Contested decision: Decision of the First Board of Appeal of EUIPO of 14 September 2022 in Case R 909/2021-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the intervener to pay all the costs of the dispute before the General Court, including those relating to the procedure before the First Board of Appeal.

Pleas in law

- Infringement of Articles 25, 26 and 27 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Articles 19 and 20 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 103 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 16 November 2022 — Nicoventures Trading and Others v Commission

(Case T-706/22)

(2023/C 15/60)

Language of the case: English

Parties

Applicants: Nicoventures Trading Ltd (London, United Kingdom) and 5 other applicants (represented by: L. Van den Hende, M. Schonberg, J. Penz-Evren and P. Wytinck, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- order the annulment of the contested measure ⁽¹⁾ in its entirety; and
- order that the defendant pay the applicants' costs in these 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 that the contested measure goes beyond the powers delegated to the Commission under Articles 7(12) and 11(6) of Directive 2014/40/EU ⁽²⁾, for the following four reasons:

- by regulating a novel tobacco product, the contested measure unlawfully addresses an 'essential element' within the meaning of Article 290(1) TFEU;