

- order the Council to make a provisional payment of EUR 1 000 000 in respect of the non-material damage suffered by the applicant;
- order the Council to pay the costs.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on five pleas in law, which are, in essence, identical or similar to those raised in Case T-734/22, *Pumpyanskiy v Council*.

- (<sup>1</sup>) Council Decision (CFSP) 2022/1530 of 14 September 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 239, p. 149).
- (<sup>2</sup>) Council Implementing Regulation (EU) 2022/1529 of 14 September 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 (OJ 2022 L 239, p. 1).

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### **Action brought on 28 November 2022 — DGNB v EUIPO (representation of a curved white line in a dark square)**

**(Case T-745/22)**

(2023/C 24/103)

*Language of the case: German*

### **Parties**

*Applicant:* Deutsche Gesellschaft für Nachhaltiges Bauen — DGNB eV (Stuttgart, Germany) (represented by: P. Kohl, lawyer)

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

### **Details of the proceedings before EUIPO**

*Trade mark at issue:* Application for EU figurative mark (representation of a curved white line in a dark square) — Application No 18 510 732

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 21 September 2022 in Case R 338/2022-2

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs of the proceedings, including those incurred in the appeal proceedings.

### **Plea(s) in law**

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