

**Action brought on 2 December 2022 — Nieß v EUIPO — Terrasoverkapping-inkoop.nl
(GARTENLÜX)**

(Case T-754/22)

(2023/C 24/109)

Language in which the application was lodged: German

Parties

Applicant: Andrea Nieß (Kempfen, Germany) (represented by: A. Erlenhardt, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Terrasoverkapping-inkoop.nl BV (Venlo, Netherlands)

Details of the proceedings before EUIPO

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

Trade mark at issue: Application for EU word mark GARTENLÜX — Application No 18 347 602

Proceedings before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 16 September 2022 in Case R 607/2022-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and the decision of the Opposition Division of 9 February 2022;
- order the intervener to pay the costs, including those incurred in the proceedings before the Board of Appeal.

Pleas in law

- Infringement of the second sentence of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in conjunction with Article 27 of Commission Delegated Regulation (EU) 2017/1430;
- Infringement of Article 109 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 5 December 2022 — TG v Commission

(Case T-755/22)

(2023/C 24/110)

Language of the case: French

Parties

Applicant: TG (represented by: A. Tymen, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the present action admissible and well founded;
- consequently: