

17. Seventeenth plea in law, alleging infringement of Article 48 of the Charter

- The implementing decision directly sanctions the applicant despite the fact that in its case the political conflict of interests relied on to justify that sanction does not exist, which amounts to a serious and manifest breach of the presumption of innocence.

18. Eighteenth plea in law, alleging infringement of Article 52 of the Charter

- Given that, as regards the applicant, there is no de facto political conflict of interests, the implementing decision fails to comply with the requirements of necessity and proportionality.

19. Nineteenth plea in law, alleging infringement of the Enabling Regulation ⁽²⁾

- The Council has adopted the implementing decision without having verified, on the merits and specifically, the existence of the political conflict of interests that formed the basis of that decision.

⁽¹⁾ OJ 2022 L 325, p. 94.

⁽²⁾ Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ 2020 L 433I, p. 1).

Action brought on 8 March 2023 — Synapsa Med v EUIPO — Gravity Products (Gravity)
(Case T-125/23)
(2023/C 173/44)

Language in which the application was lodged: Polish

Parties

Applicant: Synapsa Med sp. z o.o. (Jelcz Laskowice, Poland) (represented by: G. Kuchta, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Gravity Products LLC (New York, United States)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark ‘Gravity’ — EU trade mark No 17 982 729

Proceedings before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 9 January 2023 in Case R 923/2022-5

Form of order sought

The applicant claims that the Court should:

- alter the decision of 9 January 2023 of the Fifth Board of Appeal of EUIPO by upholding the appeal against the decision of 11 April 2022 declaring the EU word mark GRAVITY ZTUE-017982729 invalid and dismiss the application for a declaration of invalidity.

Pleas in law

- Infringement of Article 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council, and of Articles 7(2), 7(3), 16 and 17(3) of Commission Delegated Regulation (EU) 2018/625;
 - Infringement of Articles 60(1)(a) and 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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