

Trade mark at issue: Application for European Union word mark TARGET VENTURES — Application for registration No 1 3 6 8 5 5 6 5

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 4 February 2019 in Case R 1684/2017-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs, including the costs incurred in the proceedings before the Cancellation Division and the Second Board of Appeal of EUIPO.

Pleas in law

- Infringement of Article 52(1)(b) of Council Regulation (EC) No 207/2009;
- Infringement of Article 94(1) of Council Regulation (EC) No 207/2009.

Action brought on 27 April 2019 — Front Polisario v Council

(Case T-279/19)

(2019/C 220/52)

Language of the case: French

Parties

Applicant: Front populaire pour la libération de la Saguia el-Hamra et du Rio de Oro (Front Polisario) (represented by: G. Devers, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the General Court should

- Declare its action admissible;
- Annul the contested decision;

— Order the Council to pay the costs.

Pleas in law and main arguments

In support of the action against Council Decision (EU) 2019/217 of 28 January 2019 on the conclusion of the agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (OJ 2019 L 34, p. 1), the applicant relies on ten pleas in law.

1. First plea in law, alleging that the Council does not have the power to adopt the contested decision, in that the European Union and the Kingdom of Morocco lack competence to enter into international agreements that include Western Sahara, instead and in the place of the people of that territory, as represented by the Front Polisario.
 2. Second plea in law, alleging a failure to comply with the duty to consider all relevant aspects of the case at issue, in that the Council did not take into account the fact that the international agreement, entered into by means of the contested decision, applies on a provisional basis, for a period of 12 years, to the territory of Western Sahara, in breach of its separate and distinct status.
 3. Third plea in law, alleging a failure to comply with the duty to examine the question of respect for fundamental rights and international humanitarian law, in that, when it adopted the contested decision, the Council did not consider the question of respect for human rights in occupied Sahrawi territory.
 4. Fourth plea in law, alleging infringement of the rights of defence, in that the Council did not initiate any discussion with the Front Polisario, sole representative of the people of Western Sahara, before the adoption of the contested decision.
 5. Fifth plea in law, alleging infringement of the core principles and values guiding the European Union's action on the international stage. The applicant takes the view that the international agreement, entered into by means of the contested decision, applies to the territory of Western Sahara, in the context of the Kingdom of Morocco's policy of annexation and the systematic breaches of fundamental rights required for the maintenance of that policy.
 6. Sixth plea in law, alleging infringement of the right to self-determination, in that the international agreement, entered into by means of the contested decision, applies to the territory of Western Sahara, in breach of, first, the separate and distinct status of that territory and, second, the Sahrawi people's right to respect for the territorial integrity of their territory.
 7. Seventh plea in law, alleging infringement of the principle of the relative effects of treaties, since the people of Western Sahara, as represented by the Front Polisario, did not consent to the international agreement, entered into by means of the contested decision.
 8. Eighth plea in law, alleging violation of Western Sahara's airspace, in that the contested decision, by ratifying the illegal practice stemming from the provisional application of the international agreement entered into by means of that decision, results in the inclusion of Sahrawi airspace within the scope of application of that agreement.
 9. Ninth plea in law, alleging infringement of the law of international responsibility, in that, by the contested decision, the European Union fails to fulfil, first, its duty not to recognise the illegal occupation of Western Sahara and, second, renders aid and assistance to the maintenance of that situation.
 10. Tenth plea in law, alleging breach of the obligation to ensure compliance with international human rights law and international humanitarian law, in that compliance by the European Union with its international obligations towards the people of Western Sahara entails, as a minimum, that the Council should refrain from adopting the contested decision, inasmuch as it allows the entry into force of an international agreement applicable to the part of Western Sahara which is under Moroccan occupation.
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