

Action brought on 3 May 2019 — Stada Arzneimittel v EUIPO (Representation of two curved red lines arranged one above the other)

(Case T-290/19)

(2019/C 213/76)

Language of the case: German

Parties

Applicant: Stada Arzneimittel AG (Bad Vilbel, Germany) (represented by: J.-C. Plate and R. Kaase, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the figurative mark (Representation of two curved red lines arranged one above the other) — Application for registration No 1 375 540

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 13 February 2019 in Case R 1918/2018-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Plea in law

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

Action brought on 3 May 2019 — Klymenko v Council

(Case T-295/19)

(2019/C 213/77)

Language of the case: French

Parties

Applicant: Oleksandr Viktorovych Klymenko (Moscow, Russia) (represented by: M. Phelippeau, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the action brought by Mr Oleksandr Viktorovych Klymenko admissible;
- annul Council Decision (CFSP) 2019/354 of 4 March 2019 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine;
- annul Council Implementing Regulation (EU) 2019/352 of 4 March 2019 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine;
- order the Council of the European Union to pay the costs of the proceedings in accordance with Articles 87 and 91 of the Rules of Procedure of the General Court.

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging infringement of the obligation to state reasons, in that insufficient reasons are given for the contested measures.
 2. Second plea in law, alleging infringement of the rights of the defence and the right to effective judicial protection as enshrined in the fundamental principles of EU law and set out in Article 47 of the Charter of Fundamental Rights of the European Union, and of Articles 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
 3. Third plea in law, alleging a lack of legal basis, since Article 29 of the Treaty on European Union cannot provide a legal basis for the restrictive measures adopted against the applicant.
 4. Fourth plea in law, alleging a manifest error of assessment, in that the applicant has provided evidence proving the lack of a sufficient factual basis for bringing criminal proceedings.
 5. Fifth plea in law, alleging infringement of the right to respect for property, a fundamental principle of EU law enshrined in Article 17 of the Charter of Fundamental Rights of the European Union and in Article 1 of Additional Protocol No 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.
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