Action brought on 23 December 2019 — Impera v EUIPO — Euro Games Technology (Flaming Forties)

(Case T-875/19)

(2020/C 129/03)

Language of the case: English

Parties

Applicant: Impera GmbH (Steinhaus, Austria) (represented by: C. Straberger, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Euro Games Technology Ltd (Vranya-Lozen-Triugulnika, Bulgaria)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the General Court

Trade mark at issue: Application for European Union figurative mark Flaming Forties — Application for registration No 16 761 769

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 23 October 2019 in Case R 2321/2018-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— allow the applicant's European Union trade mark application No 16 761 769 in its entirety or in the alternative, remit the proceedings to the Board of Appeal;

— order the other party to the proceedings before the Board of Appeal, if acting as intervener, to pay the applicant's costs;

— order EUIPO, if the other party to the proceedings before the Board of Appeal is not being allocated to costs, to pay the applicant's costs.

Plea in law

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 5 February 2020 — Satabank v ECB

(Case T-72/20)

(2020/C 129/04)

Language of the case: English

Parties

Applicant: Satabank plc (St. Julians, Malta) (represented by: O. Behrends, lawyer)

Defendant: European Central Bank (ECB)

Form of order sought

The applicant claims that the Court should:

— annul the ECB's decision dated 26 November 2019 by which the ECB refuses to grant access to its file;

— order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the ECB failed to take into account the applicant's primary substantive right of access to its file.

2. Second plea in law, alleging that the ECB decision is based on an unduly narrow interpretation of Article 32(1) of Regulation (EU) No 468/2014 ([1]).

3. Third plea in law, alleging that the ECB decision violated the applicant's right to an adequately reasoned decision.

4. Fourth plea in law, alleging a violation of the applicant's right to be heard.

5. Fifth plea in law, alleging a violation of the principle of legal certainty.

6. Sixth plea in law, alleging a violation of the principle of proportionality.

7. Seventh plea in law, alleging that the ECB violated the *nemo auditur* principle.

8. Eighth plea in law, alleging a violation of the right to an effective remedy pursuant to Article 47 of the Charter on Fundamental Rights of the European Union.

([1]) Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (OJ 2014 L 141, p. 1).

Action brought on 10 February 2020 — Ascenza Agro and Afrasa v Commission

(Case T-77/20)

(2020/C 129/05)

Language of the case: English

Parties

Applicants: Ascenza Agro, SA (Setúbal, Portugal) and Afrasa, SA (Paterna-Valencia, Spain) (represented by: K. Van Maldegem and P. Sellar, lawyers and V. McElwee, Solicitor)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— declare the application admissible and well-founded;

— annul the contested act ([1]); and

— order the defendant to pay the costs of these proceedings.