

Trade mark at issue: European Union figurative mark TORNADO — European Union trade mark No 10 097 368

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 17 January 2020 in Case R 1169/2018-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- reject the cancellation.

Plea in law

- Infringement of Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 4 April 2020 — Comune di Stintino v Commission

(Case T-174/20)

(2020/C 175/45)

Language of the case: Italian

Parties

Applicant: Comune di Stintino (represented by: G. Machiavelli, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the measure set out in notification Ref. Ares(2020)734033-05/02/2020 of the European Commission, Directorate General for Environment, Directorate A — ENV.A — Policy, Coordination, LIFE Governance and Resources, ENV. A.4. — LIFE Governance, Administration, IT and Support Services Head of Unit, providing for the reduction of the funding granted to the Comune di Stintino (Municipality of Stintino, Italy) for the programme 'LIFE10 NAT/IT/000244 — ST.e.R.N.A.' and ordering the repayment of the excess sums already granted;
- annul Debit Note No 3242002652 of the European Commission of 24 February 2020 requesting the Comune di Stintino (Municipality of Stintino) to pay the amount of EUR 447 078,63 by way of reimbursement of the amount no longer payable as a result of the abovementioned measure;
- annul the measure set out in notification Ref. Ares (2019)6551262-23/10/2019 of the European Commission, Directorate General for Environment, Directorate AENV. A — Policy, Coordination, LIFE, Governance and Resources, ENV. A4 LIFE Governance, Administration, IT and Support Services Head of Unit, establishing the proportion of the ineligible costs relating to the funding referred to above, giving the Comune di Stintino (Municipality of Stintino) 30 days to raise any objections (doc R3);
- annul all preliminary, consequential and/or connected acts or measures.

Pleas in law and main arguments

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

1. General action plan: infringement of essential procedural requirements, infringement of Article 15 and Article 296 of the Treaty on the Functioning of the European Union and infringement of Article 41(2)(c) of the Charter of Fundamental Rights of the European Union; failure to state adequate reasons, since it is not clear how the percentage reduction applied was determined;
2. General action plan: infringement of essential procedural requirements, failure to observe the principle of proportionality and infringement of Article 5 of the Treaty on European Union, since the reduction is not proportionate to the action taken;
3. General action plan: infringement of essential procedural requirements, failure to observe the principle of proportionality and infringement of Article 5 of the Treaty on European Union, since the percentage of the project that has been carried out is greater than that applied for the reduction;
4. Purchase of land and environmental restoration of the lagoon, its channel and its mouths: infringement of essential procedural requirements, failure to observe the principle of proportionality and infringement of Article 5 of the Treaty on European Union and of Article 35.1 of the Common Rules governing financing, as well as breach of legitimate expectations, since the contested acts infringe the laws referred to above, and since it is not disputed that the action was performed in full.
5. Monitoring of the area and environmental education, and Accessible Ecological Network: infringement of essential procedural requirements, failure to observe the principle of proportionality, infringement of Article 5 of the Treaty on European Union, infringement of Article 18 of the Common Rules governing financing and breach of legitimate expectations, since the action was performed in full and the delays complained of do not affect the implementation in the long term of dissemination activities. Indeed, it is claimed the action was entirely completed in so far as possible given the environmental constraints;
6. Project coordination: Breach of legitimate expectations, infringement of essential procedural requirements, infringement of Article 15 and Article 296 of the Treaty on the Functioning of the European Union, infringement of Article 41(2)(c) of the Charter of Fundamental Rights of the European Union, failure to state adequate reasons, failure to observe the principle of proportionality, infringement of Article 5 of the Treaty on European Union and of Article 18 of the Common Rules governing financing, since it is not clear how the percentage reduction was calculated and, in any event, the percentage reduction applied is not proportionate to the work carried out.

Action brought on 31 March 2020 — Laboratorios Ern v EUIPO — Sanolie (SANOLIE)**(Case T-175/20)**

(2020/C 175/46)

*Language in which the application was lodged: Spanish***Parties**

Applicant: Laboratorios Ern, SA (Barcelona, Spain) (represented by: R. Guerras Mazón, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Sanolie (Istanbul, Turkey)

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 European Union word mark SANOLIE — Application for registration No 17 042 292

Procedure before EUIPO: Opposition proceedings