

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Ioulia and Irene Tseti Pharmaceutical Laboratories SA (Athens, Greece)

Details of the proceedings before EUIPO

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

Trade mark at issue: European Union word mark HYAL — European Union trade mark No 2 430 221

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 24 January 2020 in Case R 613/2019-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs; in the alternative, if the other party before the Board of Appeal intervenes, order EUIPO and the intervener jointly and severally to pay the costs.

Pleas in law

- Infringement of Article 165(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Articles 32(f) and 39(5) of Commission Delegated Regulation (EU) 2018/625;
- Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 59(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 14 April 2020 — Alkattan v Council

(Case T-218/20)

(2020/C 201/63)

Language of the case: French

Parties

Applicant: Waseem Alkattan (Damas, Syria) (represented by: G. Karouni, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the General Court should:

- annul, in so far as these acts concern the applicant:
 - Council Implementing Decision (CFSP) 2020/212 of 17 February 2020, implementing decision 2013/255/CFSP concerning restrictive measures against Syria;
 - Council Implementing Regulation (EU) 2020/211 of 17 February 2020, implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria;
- order the Council to pay the sum of EUR 500 000 (five hundred thousand) in damages to compensate all forms of loss suffered;
- order the Council to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging breach of the rights of defence and to a fair trial, on the basis of Article 47 of the Charter of Fundamental Rights of the European Union, Articles 6 and 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms, and the case-law of the Court of Justice. The applicant takes the view that he should have been heard before the Council of the European Union adopted restrictive measures against him and that his rights of defence were therefore not respected.
2. Second plea in law, alleging breach of the obligation to state reasons (Article 296(2) TFEU). The applicant criticises the Council for merely giving vague and general considerations without stating, in a specific and concrete manner, the reasons why it considers, in the exercise of its discretion, that the applicant must be the subject of the restrictive measures at issue. Thus, no concrete and objective allegations have been raised against the applicant that could justify the measures at issue. The statement of reasons adopted by the Council does not provide the applicant with sufficient information and is, to say the least, vague, general and imprecise.
3. Third plea in law, alleging manifest error of assessment. The applicant complains that the Council took as the basis for its reasoning in support of the restrictive measure elements which clearly lack any basis in fact, the facts relied on being without any serious foundation.
4. Fourth plea in law, concerning the claim for compensation for the loss suffered and claiming that accusing the applicant of certain serious allegations places the applicant and his family in danger, which illustrates the extent of the loss suffered and justifies his claim for compensation. Furthermore, the applicant claims that his economic activities have suffered serious long-term damage.

Action brought on 16 April 2020 — JL v Commission

(Case T-220/20)

(2020/C 201/64)

Language of the case: French

Parties

Applicant: JL (represented by: C. Mourato, lawyer)

Defendant: European Commission