

Action brought on 29 June 2022 — Cayago Tec v EUIPO — iAqua (Personal watercraft, Motorboats)**(Case T-377/22)**

(2022/C 326/29)

*Language in which the application was lodged: Spanish***Parties***Applicant:* Cayago Tec GmbH (Bad Salzuflen, Germany) (represented by: J. Güell Serra, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* iAqua (Shenzhen) Ltd (Shenzhen, China)**Details of the proceedings before EUIPO***Proprietor of the design at issue:* Other party to the proceedings before the Board of Appeal*Design at issue:* EU design (Personal watercraft, Motorboats) — EU design No 6 611 570-0001*Contested decision:* Decision of the Third Board of Appeal of EUIPO of 19 April 2022 in Case R 951/2021-3**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision in its entirety;
- order EUIPO and the intervener in the proceedings before EUIPO to pay the costs.

Plea in law

Infringement of Article 25(1)(b) of Council Regulation (EC) No 6/2002, in conjunction with Articles 4 and 6 of that regulation.

Action brought on 4 July 2022 — PAN Europe v Commission**(Case T-412/22)**

(2022/C 326/30)

*Language of the case: English***Parties***Applicant:* Pesticide Action Network Europe (PAN Europe) (Brussels, Belgium) (represented by: A. Bailleux, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the Commission's decision, dated 27 April 2022, to reject the applicant's request for internal review, regarding Commission Implementing Regulation (EU) 2021/2068, ⁽¹⁾ insofar as it postpones the expiry of the approval period of dimoxystrobin;
- order the Commission to bear the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, in principal order, alleging that the contested decision must be annulled because it is based on an unlawful interpretation of Article 17 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 ('the PPP Regulation'). ⁽²⁾

- It is argued that the contested decision is based on a reading of Article 17 of the PPP Regulation which is not compatible with:
 - the substantial requirements laid down in Articles 4, 5 and 21 of and point 3.6.5. of Annex II to the PPP Regulation and contained in Articles 9, 11, 168 and 191 TFEU and in Articles 35 and 37 of the Charter of Fundamental Rights of the EU;
 - the expediency requirements contained in Articles 7, 9, 12, 14 and 15 of the PPP Regulation.
2. Second plea in law, in subsidiary order, alleging that Article 17 of the PPP Regulation must be disapplied, according to Article 277 TFEU, because it is contrary to the precautionary principle, Articles 9, 11, 168 and 191 TFEU, and Articles 35 and 37 of the Charter of Fundamental Rights of the EU.
- It is argued that, if the Court were to take the view that the contested decision (and the Commission Implementing Regulation) is based on a sound reading of Article 17 of the PPP Regulation, this legislative provision should be set aside for the purpose of the present proceedings, pursuant to Article 277 TFEU, because it would be contrary to the precautionary principle, Articles 9, 11, 168 and 191 TFEU and Articles 35 and 37 of the Charter. Accordingly, Article 17 could not serve as a proper legal justification for the contested decision, which must therefore be annulled.

(¹) Commission Implementing Regulation (EU) 2021/2068 of 25 November 2021 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances benfluralin, dimoxystrobin, fluazinam, flutolanil, mecoprop-P, mepiquat, metiram, oxamyl and pyraclostrobin (OJ 2021 L 421, p. 25).

(²) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ 2009 L 309, p. 1).

Action brought on 4 July 2022 — Cyprus v EUIPO — Fontana Food (GRILLOUMI)

(Case T-415/22)

(2022/C 326/31)

Language in which the application was lodged: English

Parties

Applicant: Republic of Cyprus (represented by: S. Malynicz, Barrister-at-Law, and C. Milbradt, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Fontana Food AB (Tyresö, Sweden)

Details of the proceedings before EUIPO

Applicant of 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 GRILLOUMI — Application for registration No 15 963 291

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 13 April 2022 in Case R 1284/2018-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to the proceedings before the Board of Appeal to bear their own costs and pay those of the applicant for annulment.