

2. The costs are reserved.

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**Action brought on 10 January 2022 — uwe JetStream GmbH/EUIPO (JET STREAM)**

**(Case T-14/22)**

(2022/C 119/71)

*Language of the case: French*

**Parties**

*Applicant:* uwe JetStream GmbH (Schwäbisch Gmünd, Germany) (represented by: J. Schneider, lawyer)

*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 word mark 'JET STREAM' — Application for registration No 20 809 111

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 9 November 2021 in Case R 1092/2021-4

**Form of order sought**

The applicant claims that the Court should:

- set aside the contested decision, as well as the first instance EUIPO decision of 15 December 2020 and of 29 April 2021;
- allow the extension of the protection of international registration No 0809111 for the purposes of its registration in the European Union;
- order EUIPO to pay the costs.

**Plea in law**

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

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**Action brought on 18 January 2022 — Polynt v ECHA**

**(Case T-29/22)**

(2022/C 119/72)

*Language of the case: English*

**Parties**

*Applicant:* Polynt SpA (Scanzorosciate, Italy) (represented by: C. Mereu and S. Abdel-Qader, lawyers)

*Defendant:* European Chemicals Agency

**Form of order sought**

The applicant claims that the Court should:

- declare the application admissible and well-founded;
- annul the Decision of the ECHA Board of Appeal of 9 November 2021 in case A-009-2020;
- declare — or order ECHA to adopt a new decision declaring — that the applicant is released from the obligation to provide any further information to ECHA following the cease of production due to force majeure; and

- order ECHA to pay all costs of these proceedings and those incurred by the appellant in the proceedings before the Board of Appeal and a refund of the fees paid under those proceedings.

### **Pleas in law and main arguments**

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

1. First plea in law, alleging that the Board of Appeal erred in law, when it held that the cease of manufacture of the substance 1,3-dioxo-2-benzofuran-5-carboxylic acid with nonan-1-ol (EC Number 941-303-6) (hereinafter "the substance") for reasons of force majeure does not relieve the appellant from the obligation to provide the information requested in the initial compliance check decision on the substance.
2. Second plea in law, alleging that the Board of Appeal distorted the evidence on record and on that basis (i) reached a wrong legal conclusion and (ii) required the applicant to bring evidence by reference to unsubstantiated hypothesis.
3. Third plea in law, alleging that the Board of Appeal wrongly interpreted and applied Articles 42(1) and 50(2) of Regulation (EC) N° 1907/2006 ('REACH').<sup>(1)</sup>
4. Fourth plea in law, alleging that the Board of Appeal wrongly interpreted and applied Articles 5 and 6 of the REACH.
5. Fifth plea in law, alleging that the Board of Appeal wrongly held that the guidance available on the website of ECHA on the consequences of the cease of manufacture did not give the applicant precise assurances and that ECHA did not breach the principles of legal certainty and the protection of legitimate expectations.
6. Sixth plea in law, alleging that the Board of Appeal wrongly interpreted and applied the principle of proportionality and the right to good administration.

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<sup>(1)</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) N° 793/93 and Commission Regulation (EC) N° 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ 2006 L 396, p. 1).

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## **Action brought on 18 January 2022 — Sanoptis v EUIPO — Synoptis Pharma (SANOPTIS)**

**(Case T-30/22)**

(2022/C 119/73)

*Language of the case: English*

### **Parties**

**Applicant:** Sanoptis Sàrl (Luxembourg, Luxembourg) (represented by: S. Rost, lawyer)

**Defendant:** European Union Intellectual Property Office (EUIPO)

**Other party to the proceedings before the Board of Appeal:** Synoptis Pharma sp. z o.o. (Warsaw, Poland)

### **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 word mark SANOPTIS — Application for registration No 17 934 770

**Procedure before EUIPO:** Opposition proceedings

**Contested decision:** Decision of the Fourth Board of Appeal of EUIPO of 18 November 2021 in Case R 850/2021-4