

Action brought on 23 June 2021 — Hecht Pharma v EUIPO — Gufic Biosciences (Gufic)**(Case T-346/21)**

(2021/C 329/47)

*Language in which the application was lodged: German***Parties***Applicant:* Hecht Pharma GmbH (Bremervörde, Germany) (represented by: C. Sachs and J. Sachs, lawyers)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Gufic Biosciences Ltd. (Mumbai, India)**Details of the proceedings before EUIPO***Proprietor of the trade mark at issue:* Other party to the proceedings before the Board of Appeal*Trade mark at issue:* EU word mark Gufic — EU trade mark No 8 613 044*Procedure before EUIPO:* Cancellation proceedings*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 3 June 2021 in Case R 2738/2019-2**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision and also declare EU trade mark No 8 613 044 ‘Gufic’ revoked in respect of Class 5 ‘Medicines’;
- order Gufic Biosciences Ltd. to pay the costs of the appeal proceedings and of the pre-litigation procedure.

Plea in law

- Infringement of Article 58(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 17 June 2021 — ClientEarth v Commission**(Case T-354/21)**

(2021/C 329/48)

*Language of the case: English***Parties***Applicant:* ClientEarth AISBL (Brussels, Belgium) (represented by: O. Brouwer, B. Verheijen and T. van Helfteren, lawyers)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the defendant’s decision of 7 April 2021 refusing to grant access to the requested documents, pursuant to Regulation (EC) No 1049/2001 ⁽¹⁾ and Regulation (EC) No 1367/2006, ⁽²⁾ related to the state of the implementation of the fisheries control in France and Denmark and on the existence of pilot cases and infringement procedures in the European Union relating to the implementation of Regulation (EC) No 1224/2009, ⁽³⁾ and
- order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the defendant committed errors of law and manifest errors of assessment resulting in the misapplication of the inspections, investigations and audits exception, pursuant to Article 4(2), third indent, of the Transparency Regulation and Article 6(1) of Regulation (EC) No 1367/2006 and also alleging the infringement of the duty to state reasons.
2. Second plea in law, alleging that the defendant incorrectly rejected the existence of an overriding public interest in disclosure of the requested documents.

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- (¹) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).
- (²) Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ 2006 L 264, p. 13).
- (³) Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ 2009 L 343, p. 1).

Action brought on 24 June 2021 — Polo Club Düsseldorf v EUIPO — Company Bridge and Life (POLO CLUB DÜSSELDORF EST. 1976)

(Case T-355/21)

(2021/C 329/49)

Language of the case: English

Parties

Applicant: Polo Club Düsseldorf GmbH & Co. KG (Düsseldorf, Germany) (represented by: C. Weil, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Company Bridge and Life, SL (Elche, Spain)

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 POLO CLUB DÜSSELDORF EST. 1976 — Application for registration No 17 984 671

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 26 April 2021 in Case R 1667/2020-1

Form of order sought

The applicant claims that the Court should:

- change the contested decision, and
- reject the opposition.

Plea in law

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