

Action brought on 20 September 2021 — TestBioTech v Commission**(Case T-606/21)**

(2021/C 471/75)

*Language of the case: English***Parties***Applicant:* TestBioTech eV (Munich, Germany) (represented by: K. Smith, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the defendant's decision of 8 July 2021, refusing to revoke or to amend the defendant's implementing decision (EU) 2021/66 ⁽¹⁾, by which Monsanto Europe SA has been permitted, under the GM Regulation ⁽²⁾, to market genetically modified soybean MON 87751 x MON 87701 x MON 87708 x MON 89788 and its sub-combinations in the EU;
- order any other measure deemed appropriate; 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 a manifest error of assessment in failing to give any or any adequate consideration to the potential impact of gene stacking on gene expression in combination with herbicide applications and/or failed to require an adequate assessment under real-world conditions of repeated and/or high application of the two herbicides to which the modified soybean expresses tolerance.
2. Second plea in law, alleging that the defendant committed a manifest error of assessment in failing to give any or any adequate consideration to the potential for toxicity, immunogenicity and/or allergenicity in the modified soybean as a result of synergistic effects between the proteins it is genetically modified to express, naturally occurring protease inhibitors in soybeans, exposure to herbicide and/or herbicide residue in the harvest and/or failed to require animal feeding trials of the stack to be conducted.

⁽¹⁾ OJ 2021 L 26, p. 44.

⁽²⁾ Regulation of the European Parliament and of the Council (EC) No 1829/2003 of 22 September 2003 on genetically modified food and feed (OJ 2003 L 268, p. 1).

Action brought on 27 September 2021 — Automobiles Citroën v EUIPO Polestar (Device of two inverted chevrons)**(Case T-608/21)**

(2021/C 471/76)

*Language of the case: English***Parties***Applicant:* Automobiles Citroën (Poissy, France) (represented by: C. Weyl, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Polestar Holding AB (Göteborg, Sweden)

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: European Union figurative mark (Device of two inverted chevrons) — European Union trade mark No 16 898 173

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 9 July 2021 in Case R 502/2020-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 22 September 2021 — Privatbrauerei Eichbaum v EUIPO — Anchor Brewing Company (STEAM)

(Case T-609/21)

(2021/C 471/77)

Language of the case: English

Parties

Applicant: Privatbrauerei Eichbaum GmbH & Co. KG (Mannheim, Germany) (represented by: M. Schmidhuber and E. Levenson, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Anchor Brewing Company LLC (San Francisco, California, United States)

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: European Union word mark STEAM — European Union trade mark No 5 435 375

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 14 July 2021 in Case R 780/2020-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision to the extent that it dismissed the appeal against the decision of the Cancellation Division relating to the goods ‘beer, alcoholic beer’ in Class 32 and;