

Form of order sought

The applicants claim that the Court should:

- annul the applicants' payslips for June 2021 in so far as they are indicative of a decision to withdraw the flat-rate allowance owed by way of reimbursement of the costs of travelling from the place of employment to the place of origin;
- annul, in so far as it supplements the statement of reasons for the contested decision, the decision of 22 December 2021 rejecting the complaint of 30 August 2021;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on three pleas in law, which are, in essence, identical or similar to those relied on in Case T-177/22, *Mellish v Commission*.

Action brought on 13 April 2022 — Polynt v ECHA

(Case T-192/22)

(2022/C 222/55)

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 applicants claim that the Court should:

- declare the application admissible and well-founded;
- annul the decision of the European Chemicals Agency, sent by letter of 4 February 2022 (FUP-DEV-01-21200655590-58-0000-CCH-1-2_FTR_NOTIF), informing of a failure to respond to a dossier evaluation decision;
- declare — or order ECHA to adopt a new measure declaring — that the Applicant is released from the obligation to provide any information to ECHA following the cease of production and consequent unavailability of the substance concerned due to *force majeure*; and
- order ECHA to pay all costs of these proceedings.

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 that the Defendant breached the principle of *force majeure* 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 substances') after the adoption of the final compliance check decision 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 substances.

2. Second plea in law, alleging that the Defendant breached Article 50(2) of Regulation (EC) N° 1907/2006 of the European Parliament and of the Council ⁽¹⁾ ('REACH Regulation').
3. Third plea in law, alleging that the Defendant breached Articles 5 and 6 of the REACH Regulation.
4. Fourth plea in law, alleging that the Defendant infringed the principle of proportionality.

⁽¹⁾ 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) No 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).

Action brought on 14 April 2022 — Zelmotor v EUIPO — B&B Trends (zelmotor)

(Case T-194/22)

(2022/C 222/56)

Language in which the application was lodged: Polish

Parties

Applicant: Zelmotor sp. z o.o. (Rzeszów, Poland) (represented by: M. Rumak, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: B&B Trends, SL (Santa Perpetua de Mogoda, Spain)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark 'zelmotor' — EU trade mark No 10 980 225

Proceedings before EUIPO: Revocation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 4 February 2022 in Case R 927/2021-2

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Second Board of Appeal of EUIPO of 4 February 2022 in Case R 927/2021-2 in part, in so far as it makes a declaration of invalidity in respect of the goods and services in Classes 7, 9 and 35, with the exception of stators and rotors in Class 7;
- order EUIPO and the other party to the proceedings to pay, in addition to their own costs, the costs incurred by the applicant.

Plea in law

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