

Action brought on 22 March 2013 - Kingdom of Spain v Council of the European Union**(Case C-147/13)***Language of the case: Spanish***Parties**

Applicant: Kingdom of Spain (represented by: S. Centeno Huerta and E. Chamizo Llatas, acting as Agents)

Defendant: Council of the European Union

Form of order sought

Annul Council Regulation No 1260/2012 □ of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements and order the Council to pay the costs

Alternatively, annul Articles 4, 5, 6(2), and 7(2) of Council Regulation No 1260/2012 of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements and order the Council to pay the costs.

Pleas in law and main arguments

Infringement of the principle of non-discrimination by introducing a scheme to the detriment of persons whose mother tongue is not English, French or German, the scheme being disproportionate to the objective pursued.

Lack of legal basis for Article 4 by regulating translation in the event of a dispute, which does not directly affect the language arrangements for the intellectual property right referred to in the second paragraph of Article 118 TFEU.

Infringement of the principle of legal certainty.

Failure to have regard to the case-law in *Meroni* by delegating the administration of the compensation scheme (Article 5) and the publication of the translations (Article 6(2)) to the European Patent Office.

Infringement of the principle of the autonomy of European Union law by making the application of the Regulation dependent on the entry into force of the Agreement on a Unified Patent Court.

¹ - OJ 2012 L 361, p. 89