

Pleas in law

— Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009.

Action brought on 27 June 2017 — Vienna International Hotelmanagement v EUIPO (VIENNA HOUSE)**(Case T-403/17)**

(2017/C 277/73)

*Language of the case: German***Parties**

Applicant: Vienna International Hotelmanagement AG (Vienna, Austria) (represented by: M. Zrzavy, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Mark at issue: EU figurative mark containing the word elements in red 'VIENNA HOUSE' — application No 14 501 308

Contested decision: decision of the Fourth Board of Appeal of EUIPO of 25 April 2017 in Case R 332/2016-4

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 7(1)(b) and (c) of Regulation No 207/2009.

Action brought on 30 June 2017 — Landesbank Baden-Württemberg v SRB**(Case T-411/17)**

(2017/C 277/74)

*Language of the case: German***Parties**

Applicant: Landesbank Baden-Württemberg (Stuttgart, Germany) (represented by: H. Berger and K. Rübsamen, lawyers)

Defendant: Single Resolution Board (SRB)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Executive Session of the Single Resolution Board of 11 April 2017 concerning the calculation of the ex-ante contributions to the Single Resolution Fund for 2017 (SRB/ES/SRF/2017/05), including the Annex thereto, in so far as the contested decision, including the Annex thereto, concerns the applicant's contribution; and
- order the defendant to pay the costs of the 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 infringement of the second paragraph of Article 296 TFEU and of Article 41(1) and (2)(c) of the Charter of Fundamental Rights of the European Union ('the Charter') due to the fact that the decision fails to state adequate reasons
2. Second plea in law, alleging infringement of the right to be heard under Article 41(1) and (2)(a) of the Charter due to the absence of an opportunity for the applicant to be heard
3. Third plea in law, alleging infringement of the fundamental right to effective legal protection under Article 47(1) of the Charter due to fact that the decision is not subject to review
4. Fourth plea in law, alleging infringement of Article 103(7)(h) of Directive 2014/59/EU,⁽¹⁾ of Article 113(7) of Regulation (EU) No 575/2013,⁽²⁾ of the first sentence of Article 6(5) of Delegated Regulation (EU) 2015/63,⁽³⁾ of Articles 16 and 20 of the Charter and of the principle of proportionality, due to the application of the multiplier for the IPS (Institutional Protection Scheme) Indicator
5. Fifth plea in law, alleging infringement of Article 16 of the Charter and of the principle of proportionality, due to the application of the risk adjustment multiplier
6. Sixth plea in law, alleging the illegality of Articles 4 to 7 and Article 9 of Delegated Regulation (EU) 2015/63 and of Annex I to that delegated regulation

⁽¹⁾ Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012 of the European Parliament and of the Council (OJ 2014 L 173, p. 190).

⁽²⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ 2013 L 176, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to ex ante contributions to resolution financing arrangements (OJ 2015 L 11, p. 44).

Action brought on 29 June 2017 — Karl Storz v EUIPO (3D)

(Case T-413/17)

(2017/C 277/75)

Language of the case: English

Parties

Applicant: Karl Storz GmbH & Co. KG (Tuttlingen, Germany) (represented by: S. Gruber, 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 figurative mark containing the word elements '3D' — International registration designating the European Union No 1 272 627

Contested decision: Decision of the Second Board of Appeal of EUIPO of 11 April 2017 in Case R 1502/2016-2

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Second Board of Appeal of the European Union Intellectual Property Office of 11 April 2017 in Case R 1502/2016-2 and register the trade mark '3D', IR 1 272 627, designating the European Union for all the goods applied for including the goods which are still affected by the contested decision;