

2. Second plea in law, alleging that the contested measures are invalid due to infringement of Article 296 TFEU and Article 41 of the Charter of Fundamental Rights of the European Union by reason of the disproportionately long processing time taken to adopt the measure and the abovementioned debit note (infringement of the principle of legal certainty and of the principle of the reasonable duration of proceedings).
3. Third plea in law, alleging that the contested measures are invalid due to infringement of Article 296 TFEU and Articles 41 and 42 of the Charter of Fundamental Rights of the European Union by reason of the errors committed in the establishment of the facts, the erroneous, inadequate and contradictory nature of the statement of reasons for the measure and infringement of the right to access documents.
4. Fourth plea in law, alleging that the contested measures are invalid due to infringement of Articles 2 and 4 of Regulation (EC, Euratom) No 2988/95 and infringement of Article 296 TFEU and Article 41 of the Charter of Fundamental Rights of the European Union by reason of the disproportionate nature of the amount requested to be repaid, the lack, or erroneous nature, of the establishment of the facts, and the inadequate or contradictory statement of reasons for the measure.
5. Fifth plea in law, alleging that the amount which the Commission claimed from the applicant in Debit Note No 3241712708 of 2 October 2017 is not owed because the Commission infringed the contractual principle of good faith, established the facts in a tardy and inadequate manner, and failed to assess, or assessed incorrectly, the evidence available.
6. Sixth plea in law, alleging that the amount which the Commission requested from the applicant in Debit Note No 3241712708 of 2 October 2017 is not owed, as the conclusions drawn by the Commission on the basis of the OLAF report do not tally with the facts.
7. Seventh plea in law, alleging that the amount which the Commission claimed from the applicant in Debit Note No 3241712708 of 2 October 2017 was not, in any event, owed to that extent on the grounds that, pursuant to Article 19 of Annex II to the Grant Agreement, only amounts which have in fact been received in error have to be repaid, while those amounts which were paid out on the basis of an invoice which is correct and complies with the contractual conditions do not have to be repaid (infringement of the principle of good faith and of the principle of proportionality).

⁽¹⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests (OJ 1995 L 312, p. 1).

Action brought on 29 November 2017 — TecAlliance v EUIPO — Siemens (TecDocPower)

(Case T-789/17)

(2018/C 042/50)

Language in which the application was lodged: German

Parties

Applicant: TecAlliance GmbH (Ismaning, Germany) (represented by: P. Engemann, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Siemens AG (Munich, Germany)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: EU word mark 'TecDocPower' — EU trade mark No 13 402 326

Proceedings before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 14 September 2017 in Case R 2433/2016-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs.

Plea in law

— Infringement of Article 8(1)(b) and Article 47(2) of Regulation No 207/2009.

Action brought on 05 December 2017 — St. Andrews Links v EUIPO (ST ANDREWS)

(Case T-790/17)

(2018/C 042/51)

Language of the case: English

Parties

Applicant: St. Andrews Links Ltd (St. Andrews, United Kingdom) (represented by: B. Hattier, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark ‘ST ANDREWS’ — Application for registration No 9 586 348

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 2 October 2017 in Case R 92/2017-4

Form of order sought

The applicant claims that the Court should:

- consider the present appeal admissible;
- annul the contested decision insofar as it dismissed the appeal for the following services in class 41: ‘Arranging and conducting entertainment conferences, congresses, events, competitions and seminars; Club services (entertainment or education); Providing a website featuring information regarding conferences, congresses, events, competitions and seminars; Special event planning; Organization of cultural events and of exhibitions for cultural or educational purposes, Publication of books, electronic books and journals on-line; Vocational guidance and instructions services (education or training advice)’;
- allow the European Union trademark application No. 9 586 348 for registration for the above-mentioned services; and
- order EUIPO to bear the fees and costs incurred by the Applicant in the course of the present proceeding.

Plea in law

- The Board of Appeal made a wrong appreciation of the distinctive character of the European Union trademark application No. 9 586 348 in relation with certain services in class 41.

Action brought on 5 December 2017 — St. Andrews Links v EUIPO (ST ANDREWS)

(Case T-791/17)

(2018/C 042/52)

Language of the case: English

Parties

Applicant: St. Andrews Links Ltd (St. Andrews, United Kingdom) (represented by: B. Hattier, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)