

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union figurative mark 'ONE-OFF' — Application for registration No 17 933 041

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 12 August 2019 in Case R 239/2019-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- declare that the mark ONE-OFF may be registered as a European Union trade mark for the goods in Classes 18 and 25 as indicated in the application for registration No 17 933 041;
- order EUIPO to pay the costs of the present proceedings.

Pleas in law

- Infringement of Article 7(1)(b) and (2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the principle of coherence and equal treatment.

Action brought on 21 October 2019 — GW v European Court of Auditors

(Case T-709/19)

(2019/C 413/76)

Language of the case: French

Parties

Applicant: GW (represented by: J.-N. Louis, lawyer)

Defendant: European Court of Auditors

Form of order sought

The applicant claims that the Court should:

- annul the decision of 22 May 2019 of the European Court of Auditors rejecting the request to refer the matter to the Invalidation Committee in order to establish the development of his state of health and lay down the procedures for medical checks after invalidity;
- order the Court of Auditors to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging infringement of Article 15 of Annex VIII to the Staff Regulations of Officials of the European Union, on the ground that that article provides only for the possibility, and not the obligation, for the institution to have an official who receives an invalidity allowance periodically examined in order to ensure that he still fulfils the conditions required to receive that allowance.

2. Second plea in law, alleging infringement of Conclusion No 273/15 of 25 February 2016 of the Board of Heads of Administration on medical examination following retirement on grounds of invalidity, in so far as it provides that the institution's doctor may, exceptionally, accept a report prepared by the attending physician or defer the examination if the nature of the condition that gave rise to the invalidity does not justify an examination to assess the possibility of returning to work.
3. Third plea in law, alleging breach of the duty to have regard for the welfare of officials. The applicant submits in this regard that the institution was required to take into account the opinions of the attending physician and the medical officer of 23 and 24 August 2017, of the psychologist of 26 September 2019 and of the attending physician of 11 October 2019.

Action brought on 18 October 2019 — Ashworth v Parliament

(Case T-720/19)

(2019/C 413/77)

Language of the case: French

Parties

Applicant: Richard Ashworth (Lingfield, United Kingdom) (represented by: A. Schmitt and A. Waisse, lawyers)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- declare the present application admissible;
- where necessary, by way of measures of organisation of procedure or measures of inquiry in relation to the present case, order the European Parliament to submit the opinions of the Legal Service of the European Parliament which, regardless of the exact date, are believed to have been issued on 16 July 2018 and 3 December 2018 and in any event before the adoption of the decision of the Bureau of the European Parliament of 10 December 2018 amending the Implementing Measures for the Statute for Members of the European Parliament (2018/C 466/02, Official Journal, 28 December 2018, C 466/8);
- declare the contested individual decision notified to the applicant by the Members' Salaries and Social Entitlements Unit of the Directorate-General for Finance of the European Parliament concerning the applicant's right to his (voluntary) additional pension during the month of September 2019 to be annulled on the basis of Article 263 TFEU in so far as that decision applies the special levy of 5 % on the nominal amount of the (voluntary) additional pension payable to the applicant pursuant to the abovementioned decision of the Bureau of 10 December 2018;
- declare the abovementioned decision of the Bureau of 10 December 2018 inapplicable under Article 277 TFEU in so far as it amends Article 76 of the Implementing Measures for the Statute for Members of the European Parliament and, more specifically, in so far as it introduces a special levy of 5 % on the nominal amount of (voluntary) additional pensions payable from 1 January 2019;