

5. Fifth plea in law, alleging that the contested decision infringes the right to avoid self-incrimination

- The applicants put forward that the contested decision requires them to provide 'information' that cannot legitimately be considered as consisting of facts or documents, but which consists instead of calculations, details and codes, hypothetical prices, and analyses and interpretations of historical assumptions made several years ago.
- The applicants further put forward that the contested decision requires them to demonstrate that they have proactively taken measures to comply with EU competition rules.

6. Sixth plea in law, alleging that the contested decision infringes the principle of sound administration

According to the applicants, the timing of adoption, content and context of the contested decision raise serious concerns of mal-administration, prosecutorial basis, and harassment and they suggest that the Commission is abusing its broad investigatory powers in an attempt to conceal its failure to establish the alleged infringement after more than seven years of investigation.

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**Action brought on 12 June 2017 — Louis Vuitton Malletier v EUIPO — Bee Fee Group (LV POWER ENERGY DRINK)**

**(Case T-372/17)**

(2017/C 256/40)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Louis Vuitton Malletier (Paris, France) (represented by: P. Roncaglia, G. Lazzeretti, F. Rossi and N. Parrotta, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Bee Fee Group LTD (Nicosia, Cyprus)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Other party to the proceedings before the Board of Appeal

*Trade mark at issue:* EU figurative mark in black, red and white containing the word elements 'LV POWER ENERGY DRINK' — EU trade mark No 12 898 219

*Procedure before EUIPO:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 29 March 2017 in Case R 906/2016-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision and thus declare invalid the contested mark;
- order EUIPO to pay the costs incurred by the applicant during these proceedings;
- order the proprietor to pay the costs incurred by the applicant during these proceedings.

**Pleas in law**

- Infringement of Article 8(5) of Regulation No 207/2009;
  - Infringement of Article 75 of Regulation No 207/2009 and of the principle of legal certainty.
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