

- acknowledge, in upholding the present action, the damage suffered by the official in the meantime, in particular not only the material damage but also the non-material mental and physical damage as set out in the medical and legal expert report on the events in question, which acknowledges moderately serious existential damage and records that the applicant has trouble adjusting coupled with anxiety and chronic depression, caused by trauma suffered in the workplace and quantifiable at 20 %.

### **Pleas in law and main arguments**

The present action is brought against the decision rejecting the complaint lodged by the applicant contesting the deduction made by the Office for the Administration and Payment of Individual Entitlements (the PMO) in respect of his salary following the judgment of the Tribunale di Treviso (District Court, Treviso) finalising the divorce between the applicant and his ex-wife.

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

1. Infringement of the guaranteed right of an official to be heard and to set out his views.
2. Infringement of the applicant's right to obtain information relevant to his defence.
3. Infringement of the applicant's right to obtain an indication of the reasons why he could not receive the relevant information.
4. Infringement and misapplication of Article 7(1) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(1)</sup> and, consequently, infringement of the applicant's right to the information concerning the pending procedure against him and failure to fulfil the obligation to provide a statement of reasons for the decisions taken.
5. Infringement of Article 24 of the Staff Regulations and, consequently, infringement of the applicant's right to be defended and assisted by the institution against attacks by other persons.
6. Existence of mental and physical damage to the applicant's person and a corresponding causal link between the conduct of the administration and the damage suffered.

<sup>(1)</sup> OJ 2001 L 145, p. 43.

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### **Action brought on 26 July 2017 — VKR Holding v EUIPO (VELUX)**

(Case T-465/17)

(2017/C 309/49)

*Language of the case: English*

### **Parties**

*Applicant:* VKR Holding A/S (Søborg, Denmark) (represented by: J. Heebøll, lawyer)

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

### **Details of the proceedings before EUIPO**

*Trade mark at issue:* EU word mark 'VELUX' — Recordal application No T 2 299 611

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 23 May 2017 in Case R 1927/2016-2

### **Form of order sought**

The applicant claims that the Court should:

- overturn the decision of the Board to dismiss the appeal and thereby allow recordal request no. T 2 299 611 relating to EUTM 000651869 (VELUX),

— alternatively, refer the case back to the Board.

#### **Plea in law**

— Infringement of Article 34(2) and Rule 28 of EUTMIR.

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### **Action brought on 28 July 2017 — The Scotch Whisky Association v EUIPO — José Estévez (JOHN COR)**

**(Case T-469/17)**

(2017/C 309/50)

*Language in which the application was lodged: Spanish*

#### **Parties**

*Applicant:* The Scotch Whisky Association (Edinburgh, United Kingdom) (represented by: F. Rodríguez Domínguez and J. Gracia Albero, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* José Estévez, SA (Jerez de la Frontera, Spain)

#### **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:* European Union word mark 'JOHN COR' — European Union trade mark No 10 965 937

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

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 31 May 2017 in Case R 1290/2016-2

#### **Form of order sought**

The applicant claims that the General Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

#### **Pleas in law**

— Infringement of Articles 64(1) and 76(1) of Regulation No 207/2009.

— Infringement of Article 52(1)(a), in conjunction with Article 7(1)(g) and (j), of Regulation No 207/2009.

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### **Action brought on 26 July 2017 — Sensotek v EUIPO — Senso Technologie (sensotek)**

**(Case T-470/17)**

(2017/C 309/51)

*Language in which the application was lodged: German*

#### **Parties**

*Applicant:* Sensotek GmbH (Reichenbach an der Fils, Germany) (represented by: J. Klink, lawyer)

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