5. Lack of competence of the Commission and infringement of the principle of subsidiarity

In this regard, the applicants submit that it is not apparent either that it would have been inappropriate for the Bundeskartellamt to bring to a proper end the proceedings pending before it or why the proceedings, on account of their scope or effects, would be better conducted at EU level at such a late point in time.


Action brought on 10 July 2018 — Bauer Radio v EUIPO — Weinstein (MUSIKISS)
(Case T-421/18)
(2018/C 294/78)
Language of the case: English

Parties
Applicant: Bauer Radio Ltd (Peterborough, United Kingdom) (represented by: G. Messenger, Barrister)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Simon Weinstein (Wien, Austria)

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

Trade mark at issue: Application for European Union word mark MUSIKISS — Application for registration No 12 317 616

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 14 March 2018 in Case R 510/2017-1

Form of order sought
The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO and other party to bear their own costs and pay those of the Applicant.

Plea in law