

3. Third ground, alleging distortion of facts and evidence and breaches of EU law and infringement of Article 41 of the Charter of Fundamental Rights of the European Union, committed by the CST.
4. Fourth ground, alleging infringement of the principle of proportionality committed by the CST.

Action brought on 23 August 2016 — Cotecnica v EUIPO — Visán Industrias Zootécnicas (cotecnica OPTIMA)

(Case T-465/16)

(2016/C 371/27)

Language in which the application was lodged: Spanish

Parties

Applicant: Cotecnica, SCCL (Bellpuig, Spain) (represented by: J. Devaureix, J. C. Erdozain López and J. Galán López, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Visán Industrias Zootécnicas, SL (Arganda, Spain)

Details of the proceedings before EUIPO

Applicant: Cotecnica, SCCL

Trade mark at issue: European Union figurative mark containing the word elements ‘cotecnica OPTIMA’ — Application for registration No 13 292 479

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 13/06/2016 in Case R 229/2016-2

Form of order sought

The applicant claims that the Court should:

- declare the proposed evidence admissible;
- annul the contested decision;
- order EUIPO to pay the costs.

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009 and case-law of the General Court, in particular, the judgment of 20 January 2009 in Case T-424/07, *Pioneer Hi-Bred International v OHIM (OPTIMUM)*.

Action brought on 23 August 2016 — NRW. Bank v SRB

(Case T-466/16)

(2016/C 371/28)

Language of the case: German

Parties

Applicant: NRW. Bank (Düsseldorf, Germany) (represented by: A. Behrens, J. Kraayvanger and J. Seitz, lawyers)

Defendant: Single Resolution Board (SRB)

Form of order sought

The applicant claims that the Court should:

- annul the defendant's decision concerning the applicant's annual contribution to the restructuring fund for the contribution year from 1 January to 31 December 2016;
- order the defendant to pay the applicant's 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 103(2) and (7) of Directive 2014/59/EU⁽¹⁾ and of Article 70(2) of Regulation (EU) No 806/2014⁽²⁾

The applicant claims that the defendant's decision concerning its annual contribution is unlawful because it takes account, for the purpose of reducing the contribution, only of the applicant's development business and not of its auxiliary development business as well. As a result, the applicant's annual contribution to the restructuring fund for the contribution year from 1 January to 31 December 2016 has been set too high.

2. Second plea in law, alleging infringement of the regulations giving effect to Directive 2014/59/EU and Regulation (EU) No 806/2014, which, in accordance with those legislative acts, are to be interpreted as meaning that they also give preference to auxiliary development business.
3. Third plea in law, alleging, in the alternative, the unlawfulness of the regulations giving effect to Directive 2014/59/EU and Regulation (EU) No 806/2014.

In this regard, the applicant argues that if an interpretation of the implementing regulations in accordance with Directive 2014/59/EU and Regulation (EU) No 806/2014 is not possible, the implementing regulations are, in that respect, unlawful. Consequently, the defendant's decision based on those implementing regulations is also unlawful.

⁽¹⁾ Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (Text with EEA relevance) (OJ 2014 L 173, p. 190).

⁽²⁾ Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ 2014 L 225, p. 1).

Action brought on 23 August 2016 — Verein Deutsche Sprache v Commission

(Case T-468/16)

(2016/C 371/29)

Language of the case: German

Parties

Applicant: Verein Deutsche Sprache eV (Dortmund, Germany) (represented by: W. Ehrhardt, lawyer)

Defendant: European Commission