

Form of order sought

The applicant claims that the Court should:

- annul Commission Decision C(2017) 3220 final of 29 May 2017 on the non-fiscal aid measures put in place by Germany in favour of the youth hostel Berlin Ostkreuz gGmbH (and others) — SA.43145 (2016/FC) (OJ 2017 C 193, p. 1); and
- order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on one plea in law:

Infringement of essential formal and procedural requirements under Article 108(2) TFEU, in conjunction with Articles 4(4) and 15(1) of Regulation (EU) 2015/1589, ⁽¹⁾ and the second paragraph of Article 296 TFEU

- The Commission infringed the applicant's procedural rights in so far as its decision, which is the subject of the action, was adopted after merely a preliminary examination, even though the Commission was required to open a formal investigation. The applicant bases this argument on the fact that the Commission, having a duty to carry out an assessment of the information and evidence at its disposal, ought to have been concerned about the compatibility of the non-fiscal aid measures unlawfully put in place by Germany in favour of the youth hostel Berlin Ostkreuz gGmbH (and others).
- In so far as the Commission only inadequately or, moreover, in substantial aspects incorrectly examined the information and evidence giving rise to those concerns in the decision which is the subject of the action, the applicant further argues that the Commission failed to meet its obligation to state reasons pursuant to the second paragraph of Article 296 TFEU.

⁽¹⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015 L 248, p. 9).

**Action brought on 25 August 2017 — EOS Deutscher Inkasso-Dienst v EUIPO — IOS Finance EFC
(IOS finance)**

(Case T-583/17)

(2017/C 338/24)

Language in which the application was brought: German

Parties

Applicant: EOS Deutscher Inkasso-Dienst GmbH (Hamburg, Germany) (represented by: B. Sorg, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: IOS Finance EFC, SA (Barcelona, 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: EU figurative mark containing the word elements 'IOS FINANCE' — EU trade mark No 12 544 061

Procedure before EUIPO: Opposition Proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 6 June 2017 in Case R 2262/2016-2

Form of order sought

The applicant claims that the Court should:

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

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Order of the General Court of 23 August 2017 — ZGS v EUIPO (Schülerhilfe1)**(Case T-209/17) ⁽¹⁾**

(2017/C 338/25)

Language of the case: German

The President of the Third Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 168, 29.5.2017.
