

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Biohealth Italia Srl (Rivoli, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'LITHOREN' — EU trade mark No 12 744 901

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Second Board of Appeal of EUIPO of 14 September 2017 in Case R 178/2017-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs, including those incurred in the proceedings before EUIPO.

Pleas in law

- Infringement of Article 53(1)(a) of Regulation No 207/2009;
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 28 November 2017 — *Moreira v EUIPO* — *Da Silva Santos Júnior (NEYMAR)*
(Case T-795/17)
(2018/C 063/19)

Language in which the application was lodged: Portuguese

Parties

Applicant: Carlos Moreira (Guimarães, Portugal) (represented by: T. Soares Faria, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Neymar Da Silva Santos Júnior (Barcelona, Spain)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Word mark 'NEYMAR' — European Union trade mark No 11 432 044

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Second Board of Appeal of EUIPO of 6 September 2017 Case R 80/2017-2

Form of order sought

The applicant claims that the Court should:

- Annul the contested decision and declare valid, in accordance with Article 52(1)(b) and Article 53(2)(a) of Regulation No 207/2009, the trade mark 'NEYMAR' No 00000 held by Carlos Morera, for all the goods or services for which the mark has been registered;

— Order EUIPO to pay the costs.

Plea in law

— Infringement of Article 8(2) of Regulation No 207/2009.

Action brought on 11 December 2017 — Správa železniční dopravní cesty v Commission and Innovation and Networks Executive Agency (INEA)

(Case T-815/17)

(2018/C 063/20)

Language of the case: Czech

Parties

Applicant: Správa železniční dopravní cesty, státní organizace (Prague, Czech Republic) (represented by: F. Korbel, lawyer)

Defendants: European Commission and Innovation and Networks Executive Agency (INEA)

Form of order sought

— annul Decision C(2014) 8572, reference INEA/ASI/MZ apr Ares(2017), of the European Commission of 11 October 2017.

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 incorrect assessment of the connection between the public contracts 'Engineering and environmental analysis of the new rail link Lovosice-Dresden in the territory of the Czech Republic', 'Evaluation of the project of the new rail link Prague-Dresden in the territory of the Czech Republic' and 'New railway Litoměřice-Ústí nad Labem-German frontier'.

According to the contested decision, those public contracts are closely linked together and should have been awarded together as being above the threshold. That conclusion is based on an incorrect legal assessment of the matter; the subjects of those public contracts are mutually distinguishable and their implementation required different professional qualifications.

2. Second plea in law, alleging that the contested decision does not contain sufficiently specific reasons on the connection between the public contracts, and in particular

— does not state detailed reasons for the technical connection between the public contracts which it incorrectly deduces;

— does not state which specific national and European rules, or which specific provisions of those rules, were infringed;

— does not state any consideration capable of being reviewed as to what the defendant was guided by and what it took and what it did not take into account in reaching its decision on the actual amount it describes as ineligible.