

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 41 of the Charter of Fundamental Rights of the European Union ('the Charter'), Article 24 of the Staff Regulations of Officials of the European Union ('the Staff Regulations') and of the obligation to state reasons, the principle of sound administration, the right to be heard and the rights of the defence, the duty of care, which vitiates the contested decision in this case, namely the decision of the European Parliament to reject the applicant's application for assistance.
2. Second plea in law, alleging a manifest error of assessment, infringement of Article 31 of the Charter, Article 12a of the Staff Regulations and Article 24 of the Staff Regulations and of the duty of care.

Action brought on 19 February 2018 — Gruppo Armonie v EUIPO (ARMONIE)**(Case T-88/18)**

(2018/C 134/41)

*Language of the case: Italian***Parties**

Applicant: Gruppo Armonie SpA (Casalgrande, Italy) (represented by: G. Medri, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: European Union word mark 'ARMONIE' — Application for registration No 16 430 068

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 15 December 2017 in Case R 2063/2017-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision.

Plea in law

— Infringement of Article 7(1)(b) and (c) of Regulation No 2017/1001.

Action brought on 19 February 2018 — Guiral Broto v EUIPO — Gastro & Soul (Café del Sol)**(Case T-89/18)**

(2018/C 134/42)

*Language in which the application was lodged: Spanish***Parties**

Applicant: Ramón Guiral Broto (Marbella, Spain) (represented by: J. de Castro Hermida, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Gastro & Soul GmbH (Hildesheim, Germany)

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 ‘Café del Sol’ — European Union trade mark No 6 105 985

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 4 December 2017 in Case R 1095/2017-4

Form of order sought

The applicant claims that the Court should:

- Annul the contested decision and declare the opposition based on the earlier trade mark belonging to the opponent, Mr Ramón Guiral Broto, Spanish trade mark No 2348110, in Class 42 of the International Classification, well founded.
- Uphold the decision of the Opposition Division refusing Community trade mark application No 6/105/985 CAFÉ DEL SOL, filed by the German company GASTRO & SOUL GmbH, in respect of ‘services for the provision of food and drink, temporary accommodation, catering’ in Class 43 of the International Classification, on the ground that there is a likelihood of confusion on the part of consumers as a result of the coexistence of the marks at issue given the strong verbal similarity and the identity in terms of their application. In the alternative, if the General Court lacks jurisdiction in that regard, it should refer the matter back to the Board of Appeal of the Office for Harmonisation in the Internal Market, provided that the opposition is deemed to be well founded.
- In the further alternative, (i) annul the contested decision because of inconsistency and infringement of the applicant’s rights of defence and legal certainty by having expressly denied him the possibility of submitting a full translation of the opponent’s earlier trade mark in the context of Case R 1095/2017-4, thereby defeating one of the main purposes of the referral of the case back to EUIPO’s Board of Appeal ordered by the General Court on 13 December 2016 in Case T-548/15, and (ii) order a further referral back to EUIPO’s Board of Appeal to remedy that situation and settle the dispute.

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 2017/1001.

Action brought on 19 February 2018 — Guiral Broto v EUIPO — Gastro & Soul (CAFE DEL SOL)
(Case T-90/18)
(2018/C 134/43)

Language in which the application was lodged: Spanish

Parties

Applicant: Ramón Guiral Broto (Marbella, Spain) (represented by: J. de Castro Hermida, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Gastro & Soul GmbH (Hildesheim, Germany)

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 figurative mark ‘Café del Sol’ — European Union trade mark No 6 104 608

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 4 December 2017 in Case R 1096/2017-4