

Form of order sought

- annul the decision of the Commission, concretely the individual legal act entitled 'Payment by offsetting by outstanding claims and debts' issued by the European Commission, Budget execution dept. (general budget and EDF), ref. BUDG/DGA/C4/LM/24307, issued on 22 June 2018;
- order the Commission to proceed to pay the eligible costs to the applicant (registered ID No. 42412439), as the original beneficiary and the contractual party of Grant Agreement INEA/CEF/ICT/A2015/1154788, Action 2015-SK-IA-0038 — 'Slovak Safer Internet Centre IV', in accordance with that valid and effective grant agreement, and concretely Article 4.1.3 thereof;
- order the Commission to reimburse the costs and expenses of the proceedings.

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 the annulment of the contested decision on the basis of infringement of the rule of law relating to the application of the Treaties, especially improper legal evaluation of the circumstances and facts of offsetting, because the applicant (registered ID No. 42412439), according to the Plaumann principle, is directly concerned by this decision and there is a direct negative impact of the decision on it.
2. Second plea in law, alleging that the Commission be ordered to proceed to payment of the eligible costs to the applicant as the original beneficiary and the contractual party of the grant agreement No. INEA/CEF/ICT/A2015/1154788, Action 2015-SK-IA-0038 — 'Slovak Safer Internet Centre IV', in accordance with the valid and effective grant agreement, concretely article 4.1.3 thereof, based on the fact that the Commission has the competence to deal with issues of project implementation and financial transfers in relation to the valid and effective contract between the Commission and the applicant.
 - The Commission's contested decision relies on Article 68 of the Financial regulation, ⁽¹⁾ stating that 'It is necessary to lay down the rules relating to the property inventory and to clarify the respective responsibilities in this field of the accounting officers and authorising officers, as well as the rules applicable to the resale of property entered in the inventory with the view to an efficient asset management.' In this sense, the applicant underlines that the Commission had several times been informed by the applicant that the Commission's proceedings against it had been confused with another organisation, which operated in previous projects of a similar character.
3. Third plea in law, alleging that the Commission be ordered to reimburse the costs and expenses of the proceedings. In accordance with the above-mentioned arguments and the allegedly arbitrary character of the contested decision, the applicant requests the Court to reimburse costs and expenses connected with the proceedings before it as well as the costs and expenses spent for the legal assistance in relation to the claim.

⁽¹⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ 2012 L 298, p. 1).

Action brought on 31 July 2018 — Grupo Bimbo v EUIPO — Rubio Snacks (Tia Rosa)

(Case T-464/18)

(2018/C 328/74)

Language in which the application was lodged: Spanish

Parties

Applicant: Grupo Bimbo, SAB de CV (Mexico, Mexico) (represented by: N. Fernández Fernández-Pacheco, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Rubio Snacks, SL (Bullas, Spain)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the General Court

Trade mark at issue: European Union figurative mark Tia Rosa — Application for registration No 14 442 883

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 18 May 2018 in Case R 2739/2017-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision, in so far as the latter confirmed the opposition 002628793 upheld against European Union figurative mark No 14 442 883 Tia Rosa in relation to the following goods in Class 30:

Cereal preparations; Tortillas; Taco chips; Tacos; Tacos; Crackers; Crackers flavoured with spices; Cereal bars; High-protein cereal bars; Cereals; Bread; Bread; Unleavened bread; Breadcrumbs; Bread rolls; Wholemeal bread; Multigrain bread; Rusks; Farinaceous foods; Snack food products consisting of cereal products; Snack food products made from maize flour; Ready to eat savory snack foods made from maize meal formed by extrusion; Snack foods made from corn; Snack foods made from wheat; Sesame snacks; Crisps made from cereals; Puffed corn snacks; Popcorn; Flavoured popcorn; The aforesaid goods expressly not including any kind of products based on potato.

- confirm the registration of European Union trade mark No 14 442 883 Tia Rosa for all the goods in respect of which protection is claimed;
- order EUIPO and the intervener to pay the costs and expenses of the proceedings before EUIPO and the General Court.

Plea in law

Infringement of Article 8(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 31 July 2018 — NSC Holding v EUIPO — Ibercondor Barcelona (CONDOR SERVICE, NSC)

(Case T-468/18)

(2018/C 328/75)

Language in which the application was lodged: German

Parties

Applicant: NSC Holding GmbH & Cie. KG (Hamburg, Germany) (represented by: M. Eichhorst, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)