

Action brought on 1 August 2018 — Electroquímica Onubense v ECHA**(Case T-481/18)**

(2018/C 352/50)

*Language of the case: Spanish***Parties**

Applicant: Electroquímica Onubense, S.L. (Palos de la Frontera, Spain) (represented by: D. González Blanco, lawyer)

Defendant: European Chemicals Agency (ECHA)

Form of order sought

The applicant requests the General Court to give a new judgment establishing that Electroquímica Onubense (EQO) fulfils the requirements for a medium-sized enterprise for the purposes of the application of the fees to be paid for the registration of products with the ECHA.

Pleas in law and main arguments

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

1. First plea in law, alleging that the SME calculation report annexed to the contested decision refers to the applicant's relationship with ERCROS during the years 2013 and 2014 and that its author overlooks very important information, namely, that the applicant company was formed in February 2015 with share capital of EUR 3 000, the minimum capital required under Spanish commercial law. The applicant states, in that regard, that it is the new company's share capital which was the determining factor in declaring it 'a small enterprise', since EQO in fact fulfilled the criteria required in the applicable legislation, ERCROS's shareholding in that company being on any view insufficient to convert it into a 'large enterprise'.
2. Second plea in law, alleging that ERCROS was EQO's sole shareholder during the period from the formation of the company (18/02/15) to the transfer of shares to SALINAS DEL ODIEL (02/06/15) and that merely on a short-term or instrumental basis in order to facilitate EQO's transfer of ownership to its final recipient, SALINAS DEL ODIEL.
3. Third plea in law, alleging that at the end of the 2015 financial year, EQO was no longer owned by ERCROS (regarded as 'a large enterprise'), either directly or indirectly, and that it was owned by SALINAS DEL ODIEL (regarded as 'a medium-sized enterprise').
4. Fourth plea in law, alleging that the relevant information for the purposes of determining the size of EQO, for the purpose of the application of the legislation concerned, can only be EQO's relationship with the enterprise which was its parent company at the end of the 2015 financial year — as shown in the annual accounts for that year — and not the short-term and instrumental relationship during the reference financial year.
5. Fifth plea in law, alleging that it is the fee laid down for a medium-sized enterprise which had to be applied and not that for a large enterprise, since the relationship which must be established for that purpose is that between EQO and SALINAS DEL ODIEL and not that between EQO and ERCROS.

Action brought on 14 August 2018 — Stada Arzneimittel v EUIPO (VirusProtect)**(Case T-487/18)**

(2018/C 352/51)

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

Applicant: Stada Arzneimittel AG (Bad Vilbel, Germany) (represented by: J.-C. Plate and R. Kaase, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'VirusProtect' — Application for registration No 16 295 511

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 4 June 2018 in Case R 1886/2017-5

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Infringement of Article 7(1)(b) and (c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(2)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 75(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 14 August 2018 — Vafo Praha v EUIPO — Rutzinger-Kurpas (Meatlove)

(Case T-491/18)

(2018/C 352/52)

Language of the case: English

Parties

Applicant: Vafo Praha s.r.o. (Chrást'any, Czech Republic) (represented by: M. Vojáček, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Susanne Rutzinger-Kurpas (Spigelau, Germany)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for European Union word mark Meatlove — Application for registration No 15 557 374

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 12 June 2018 in Case R 264/2018-4

Form of order sought

The applicant claims that the Court should:

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