

2. Second plea in law, alleging infringement of the articles which establish an exception to the requirements of confidentiality and professional secrecy where a request is made in the exercise of the rights of the defence and access to an effective remedy, referred to in Article 88 of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014, establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ 2014 L 225, p. 1); Article 84 of Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ 2014 L 173, p. 190); and Article 53 of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ 2013 L 176, p. 338).

— It is claimed in that connection that the contested decision, in which the Appeal Board does not grant full access to the documentation held by the SRB, wrongly applies the exceptions to general access to documents contained in the abovementioned legislation, given that such access is sought in the context of exercising the rights of the defence and the right to access to an effective remedy.

3. Third plea in law, alleging a breach of the fundamental right under Article 41(2) of the Charter (the right to good administration, so far as concerns the obligation to give reasons for decisions).

— It is claimed in that connection that the contested decision, in which the Appeal Board does not grant full access to the documentation held by the Single Resolution Board (SRB), constitutes a serious breach of the fundamental right to good administration, referred to in Article 41(2) of the Charter, in so far as it disregards the obligation to give reasons for decisions.

Action brought on 14 August 2018 — IAK — Forum International v EUIPO — Schwalb (IAK)

(Case T-497/18)

(2018/C 352/56)

Language in which the application was lodged: German

Parties

Applicant: IAK GmbH — Forum International (Kirchzarten, Germany) (represented by: G. Wilke, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Ulrich Schwalb (Cologne, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark IAK — EU trade mark No 9 843 533

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 11 June 2018 in Case R 1511/2017-4

Form of order sought

The applicant claims that the Court should:

- alter the contested decision such that the application for a declaration of invalidity is dismissed in its entirety;
- order EUIPO to pay the costs.

Plea in law

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

Action brought on 20 August 2018 — ZPC Flis v EUIPO — Aldi Einkauf (Happy Moreno choco)

(Case T-498/18)

(2018/C 352/57)

Language of the case: English

Parties

Applicant: ZPC Flis sp.j. (Radziejowice, Poland) (represented by: M. Kondrat, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Aldi Einkauf GmbH & Co. OHG (Essen, Germany)

Details of the proceedings before EUIPO

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

Trade mark at issue: Application for European Union figurative mark Happy Moreno choco — Application for registration No 15 028 087

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 31 May 2018 in Case R 1464/2017-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and refer the case back to the EUIPO for reconsideration;
- or
- alter the contested decision by stating that there are no relative grounds for refusal of registration of the EUTMA 015028087 'Happy Moreno choco' for all goods in classes 30 and 35 and the trademark shall be registered;
- award the costs in the Applicant's favour.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
 - Infringement of the principle of the protection of legitimate expectations and the principle of legal certainty.
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