

**Action brought on 23 October 2018 — ZM and Others v Council****(Case T-632/18)**

(2018/C 455/42)

*Language of the case: French***Parties***Applicants:* ZM, ZN and ZO (represented by: N. de Montigny, lawyer)*Defendant:* European Council**Form of order sought**

The applicants claim that the Court should:

- annul the decisions adversely affecting the applicants individually, consisting of the decisions of the appointing authority not to reimburse them for their school fees for the year 2017/2018 which came about in a number of ways depending on the individual circumstances of each of the applicants;
- either through an individual decision (more specifically an e-mail) specifying in detail the refusal of the reimbursement;
- or by the use of the word ‘processed’ in their Sysper and considered by the applicant to be a rejection decision, given that the subsequent wage slip for the following month (at the earliest on the 10<sup>th</sup>, since that is the date when the pay slips are issued) contains no reimbursement or only a reimbursement for transport costs;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

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

- First plea in law, alleging infringement of Article 3(1) of Annex VII to the Staff Regulations of Officials of the European Union and the general implementing provisions for the reimbursement of medical expenses, in that the defendant’s change of interpretation infringed acquired rights, legitimate expectations, legal certainty and the principle of sound administration.
- Second plea in law, alleging infringement of the rights of the child, the right to family life and the right to education.
- Third plea in law, alleging infringement of the principles of equal treatment and of non-discrimination;
- Fourth plea in law, alleging that there was no effective weighing-up of the applicants’ interests and that there was a failure to observe the principle of proportionality which vitiated the contested decision.

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**Action brought on 22 October 2018 — Rose Gesellschaft v EUIPO — Iviton (TON JONES)****(Case T-633/18)**

(2018/C 455/43)

*Language in which the application was lodged: German***Parties***Applicant:* Rose Gesellschaft mbH (Vienna, Austria) (represented by: R. Kornfeld, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Iviton s. r. o. (Prešov, Slovakia)

**Details of the proceedings before EUIPO**

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

*Trade mark at issue:* EU word mark 'TON JONES' — Application for registration No 15 109 614

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 12 July 2018 in Case R 2136/2017-2

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to continue the opposition proceedings without applying the ground for dismissal used previously;
- order EUIPO to pay the costs;
- in any event, not award the trade mark applicant any costs in respect of the proceedings.

**Plea in law**

- Infringement of Article 15 of Council Regulation (EC) No 207/2009.
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