

Action brought on 26 November 2018 — Apera Capital Master v EUIPO — Altera Capital (APERA CAPITAL)

(Case T-699/18)

(2019/C 44/101)

Language of the case: English

Parties

Applicant: Apera Capital Master Ltd. (St Peter Port, Guernsey) (represented by: C. Schröder and A. von Alten, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Altera Capital (Luxembourg, Luxembourg)

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 word mark APERA CAPITAL — Application for registration No 15 640 436

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 18 September 2018 in Case R 1091/2018-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- refer the case back to EUIPO for reconsideration;
- order EUIPO to bear the costs.

Pleas in law

- Infringement of Article 104(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the applicant's right to good administration and a fair trial.

Action brought on 28 November 2018 — ZPC Flis v EUIPO — Aldi Einkauf (FLIS Happy Moreno choco)

(Case T-708/18)

(2019/C 44/102)

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 FLIS Happy Moreno choco — Application for registration No 15 030 786

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 13 September 2018 in Case R 2113/2017-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and refer the case back to EUIPO for reconsideration;

or

— alter the contested decision by stating that there are no relative grounds for refusal of registration of the EUTMA 015030786 'Flis Happy Moreno choco' for all the goods and services 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.

Action brought on 3 December 2018 — Umweltinstitut München v Commission

(Case T-712/18)

(2019/C 44/103)

Language of the case: German

Parties

Applicant: Umweltinstitut München — Verein zur Erforschung und Verminderung der Umweltbelastung eV (Munich, Germany) (represented by: M. John, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the defendant's negative decision of 2 October 2018 (C(2018) 6539 final).

Pleas in law and main arguments

By means of the present action, the applicant seeks annulment of the Commission's negative decision of 2 October 2018 definitively refusing the applicant access to the documents pertaining to the first meeting of the CETA Joint Committee, which took place on 26 and 27 March 2018.