

### **Pleas in law and main arguments**

In support of the action, the applicant relies on two alternative pleas in law to support that the contested decision infringed its procedural rights and therefore should be annulled.

1. First plea in law, alleging that the part of the contested decision in which the Commission examined whether the alleged state aid measure confers an 'attractiveness advantage' should be characterised as a decision not to raise objections adopted following the preliminary examination procedure. Therefore, the applicant claims that the Commission should have initiated the formal investigation procedure because there were serious doubts as to the existence of an attractiveness advantage financed through state resources.
2. Second plea in law, alleging that the Commission was in any case obliged to reopen the formal investigation procedure by virtue of judgment T-425/11. In fact, the applicant claims that the Commission was, in principle, obliged to give the parties concerned notice to submit their comments before the adoption of the contested decision.

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**Action brought on 21 December 2018 — La Caixa v EUIPO — Imagic Vision (imagin bank)**  
**(Case T-761/18)**  
(2019/C 72/50)

*Language in which the application was lodged: Spanish*

### **Parties**

*Applicant:* Fundació bancaria caixa d'estalvis i pensions de Barcelona La Caixa (Palma de Mallorca, Spain) (represented by: I. Valdelomar Serrano, P. Román Maestre, D. Liern Cendrero, D. Gabarre Armengol and J. Rodríguez Fuensalida, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Imagic Vision, SL (Madrid, 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 imagin bank — Application for registration No 14 861 108

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 22 October 2018 in Case R 1954/2017-4

### **Form of order sought**

The applicant claims that the Court should:

- Rule that the present action against the contested decision is admissible;
- Find that Article 8(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council was erroneously applied in that decision;

- Grant protection in respect of all goods and services sought in the application for registration of European Union figurative trade mark No 14 861 108, ‘imagin bank’, in Classes 9, 36 and 38;
- Order the defendant to pay the costs associated with these proceedings, including the representation costs incurred by the applicant.

### **Plea in law**

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

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**Action brought on 3 January 2019 — Thai World Import & Export v EUIPO — Elvir (Yaco)**

**(Case T-3/19)**

(2019/C 72/51)

*Language in which the application was lodged: French*

### **Parties**

*Applicant:* Thai World Import & Export Co. Ltd (Bangkok, Thailand) (represented by: S. Bénoliel-Claux, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Elvir (Conde sur Vire, France)

### **Details of the proceedings before EUIPO**

*Applicant for the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* Application for EU figurative mark ‘Yaco’ — Application for registration No 14 980 148

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 2 October 2018 in Case R 319/2018-2

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- 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.
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