

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: DecoPac, Inc. (Anoka, Minnesota, United States)

Details of the proceedings before EUIPO

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

Mark at issue: EU word mark DECOPAC — EU trade mark No 160 747

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 26 November 2018 in Case R 1795/2017-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and declare invalid, in its entirety, the trade mark DECOPAC registered for the other party to the proceedings before the Board of Appeal.

Pleas in law

- No confidentiality of business data;
- Infringement of the right to be heard;
- No submission of invoices to any significant extent;
- No use of the trade mark as the other party's own brand;
- Sale also to consumers was planned but did not take place;
- A distinction between edible and inedible decorations is necessary.

Action brought on 12 February 2019 — AL v Commission

(Case T-83/19)

(2019/C 122/32)

Language of the case: French

Parties

Applicant: AL (represented by: A. Blot and S. Rodrigues, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the action admissible and well founded;
- annul the decision implicitly rejecting the applicant's claim for compensation submitted on 19 December 2017 and, if necessary, the decision of 12 November 2018 rejecting the applicant's complaint;
- compensate the material and non-material damage suffered by the applicant;
- order the defendant to pay all the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging breach of the defendant's contractual commitments to the applicant, in that the Commission failed to comply with the undertaking it had given by appointing the applicant as the European Union facilitator for the Congo Basin Forests Partnership.
2. Second plea in law, alleging infringement of the principle of respect for legitimate expectations.
3. Third plea in law, alleging breach of the right to be heard.
4. Fourth plea in law, alleging breach of the principle of good administration and the duty to have regard for the welfare of officials.

Action brought on 14 February 2019 — Gwo Chyang Biotech v EUIPO — Norma (KinGirls)

(Case T-85/19)

(2019/C 122/33)

Language in which the application was lodged: German

Parties

Applicant: Gwo Chyang Biotech Co. Ltd (Tainan, Taiwan) (represented by: J. Kakoures, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Norma Lebensmittelfilialbetrieb Stiftung & Co. KG (Nuremberg, Germany)

Details of the proceedings before EUIPO

Proprietor of the mark at issue: Applicant

Mark at issue: Application for EU figurative mark KinGirls — Application for registration No 15 151 038

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 12 December 2018 in Case R 718/2018-4