

3. Third plea in law, alleging infringement of the obligations of the European Union stemming from Article 8 of the European Convention on the Protection of Human Rights and Fundamental Freedoms and infringement of Article 17 of the Charter of Fundamental Rights of the European Union and related interference with the right to property and its protection.

— In this connection it is submitted that the contested decision contravenes Article 8 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, Article 1 of the Additional Protocol to that convention and Article 17 of the Charter of Fundamental Rights of the European Union, since it restricts the applicant's right to peaceful enjoyment of property.

4. Fourth plea in law, alleging infringement of Article 4(3) of Regulation No 1049/2001.

— In the applicant's opinion, the contested decision contravenes Article 4(3) of Regulation No 1049/2001, since the disclosure of the relevant information would seriously threaten the decision-making process of the European Commission and the defendant in deciding on the application for authorisation to use the substance concerned, and there is no overriding public interest in disclosure of the relevant information and the defendant in its decision did not even state that any public interest would override the need to protect those rights of the applicant.

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

⁽²⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ 2006 L 396, p. 1)

⁽³⁾ Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of 15 April 1994 (OJ 1994 L 336, p. 214)

Action brought on 4 April 2014 — Volkswagen v OHIM (EXTRA)

(Case T-216/14)

(2014/C 194/36)

Language of the case: German

Parties

Applicant: Volkswagen AG (Wolfsburg, Germany) (represented by U. Sander, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 6 February 2014 in Case R 1788/2013-1;

— Order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: the word mark 'EXTRA' for goods and services in Classes 12, 28, 35 and 37 — Community trade mark application No 11 769 155

Decision of the Examiner: the application was rejected

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Article 7(1)(b) of Regulation No 207/2009
