

Pleas in law and main arguments

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

1. First plea in law, alleging a manifest error of assessment

- The assessment of the applicant's proposal is incorrect as regards the award criteria of relevance, impact and quality. With a proper evaluation against those award criteria, the proposal should have been selected for EU co-funding.

2. Second plea in law, alleging an infringement of the principle of equal treatment

- The Commission has infringed the principle of equal treatment in the contested decision because it has not selected the applicant's proposal, while it has selected other similar proposals related to emission abatement technologies.

Action brought on 6 April 2016 — Ecolab USA v EUIPO (ECOLAB)

(Case T-150/16)

(2016/C 211/71)

Language of the case: English

Parties

Applicant: Ecolab USA, Inc. (Wilmington, Delaware, United States) (represented by: V. Töbelmann and C. Menebröcker, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the mark 'ECOLAB' — Application for registration No 1 180 255

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 26 January 2016 in Case R 644/2015-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay its own costs as well as the costs of the applicant.

Pleas in law

- Infringement of Articles 7(1)(b), (c) and 7(2) of EUTMR;
 - Infringement of the principles of equal treatment and legal certainty;
 - Infringement of Article 75 first sentence of EUTMR.
-