

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Xuebo Ye (Wenzhou, China)

Details of the proceedings before EUIPO

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: European Union figurative mark (Representation of a silhouette in the shape of an ellipse) — Application for registration No 13 088 191

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 31/08/16 in Case R 2608/2015-4

Form of order sought

The applicant claims that the Court should:

- declare the application admissible together with all the associated documents and the corresponding copies;
- rule that the evidence offered may be submitted;
- grant the application, annulling the contested decision and refusing the application for registration of EU trade mark No 13 088 19, pursuant to Article 8(1)(b) and (5) of Regulation No 207/2009;
- order EUIPO to pay the costs.

Plea in law

- Infringement of Article 8(1)(b) and (5) of Regulation No 207/2009.

Action brought on 31 October 2016 — ArcelorMittal Belval & Differdange and ThyssenKrupp Steel Europe v ECHA

(Case T-762/16)

(2017/C 014/50)

Language of the case: English

Parties

Applicants: ArcelorMittal Belval & Differdange SA (Esch-sur-Alzette, Luxembourg) and ThyssenKrupp Steel Europe AG (Duisburg, Germany) (represented by: H. Scheidmann and M. Kottmann, lawyers)

Defendant: European Chemicals Agency (ECHA)

Form of order sought

The applicants claim that the Court should:

- annul the ECHA's decision of 26 September 2016 (reference ATD/52/2016);
- alternatively, annul the ECHA's decision of 19 August 2016 (reference ATD/52/2016) to the extent that it rejects the applicants' request for access to their file;
- order the ECHA to bear the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging infringement of Article 4(2), first indent, of Regulation (EC) No 1049/2001
 - The applicants claim that the contested decision misapplies the abovementioned provision by erroneously finding that commercial interests would be undermined by disclosure and they further argue that the decision disregards overriding public interests.
2. Second plea in law, alleging infringement of Article 41(2), second indent, of the Charter of Fundamental Rights of the European Union
 - The applicants assert that the contested decision violates the abovementioned provision and that, contrary to that decision, the documents to which access is requested do pertain to the applicants' file and are not, therefore, excluded from the scope of that provision.

Action brought on 3 November 2016 — Paulini v ECB**(Case T-764/16)**

(2017/C 014/51)

*Language of the case: English***Parties**

Applicant: Jörn Paulini (Frankfurt am Main, Germany) (represented by: L. Levi and M. Vandebussche, lawyers)

Defendant: European Central Bank (ECB)

Form of order sought

The applicant claims that the Court should:

- annul the decision of 15 December 2015, as modified on 10 February 2016, which informs the applicant of his Annual Salary and Bonus Review (ASBR) reward for 2015;
- grant the applicant compensation for the material prejudice as described in paragraphs 99 to 103 of the application;
- grant the applicant compensation for the moral prejudice he suffered, estimated at EUR 10 000;
- order the defendant to pay all the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging the illegality of the 2015 ASBR guidelines insofar as they infringe the principle of non-discrimination, Article 51 of the Conditions of Employment and Articles 12 and 21 of the EU Charter. On a subsidiary basis, illegality of the contested decision insofar as it violates the 2015 ASBR guidelines and is tainted by a manifest error of assessment.