

— in any event, that the Commission is ordered to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, alleging an infringement of Article 266 TFEU, in that the Commission ignored the grounds for the judgment of 19 July 2016, *Stips v Commission* (F-131/15, EU:F:2016:154) and executed that judgment in bad faith, thus undermining the force of *res judicata* given absolute effect by the Civil Service Tribunal.

Action brought on 22 May 2017 — Wajos v EUIPO (Shape of a bottle)

(Case T-313/17)

(2017/C 231/64)

Language of the case: German

Parties

Applicant: Wajos GmbH (Dohr, Germany) (represented by: J. Schneiders, R. Krillke and B. Schneiders, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Three-dimensional EU trade mark (Shape of a bottle) — Application for registration No 14 886 097

Contested decision: Decision of the First Board of Appeal of EUIPO of 15 February 2017 in Case R 1526/2016-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs of the proceedings.

Plea in law

- Breach of Article 7(1)(b) of Regulation No 207/2009.

Action brought on 23 May 2017 — Nosio v EUIPO (MEZZA)

(Case T-314/17)

(2017/C 231/65)

Language of the case: Italian

Parties

Applicant: Nosio SpA (Mezzocorona, Italy) (represented by: A. Perani and J. Graffer, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'MEZZA' — Application for registration No 14 822 506

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 1 March 2017 in Case R 1518/2016-5