

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 that the Commission erred in its assessment of the project 'Starting production of a next-generation diesel engine by Volkswagen Motor Polska' by deciding that, on account of its lack of innovation, that project is not guaranteed to be consistent with the priorities of the Operational Programme 'Innovative Economy' (Priority Axis IV of that programme), and that, consequently, it does not meet the requirements of Article 41(1) of Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 (OJ 2006 L 210, p. 25).
2. Second plea in law, alleging that the Commission infringed Article 41(2) of Regulation No 1083/2006 through flagrant contravention of the project assessment deadline.

Action brought on 09 June 2017 — Linak v EUIPO — ChangZhou Kaidi Electrical (Shape of electrically operated lifting column)

(Case T-367/17)

(2017/C 249/61)

Language in which the application was lodged: English

Parties

Applicant: Linak A/S (Nordborg, Denmark) (represented by: V. von Bomhard and J. Fuhrmann, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: ChangZhou Kaidi Electrical Co. Ltd (Changzhou, China)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant

Design at issue: Community design 'Electrically operated lifting column' — Community design No 101 159-0001

Contested decision: Decision of the Third Board of Appeal of EUIPO of 21 March 2017 in Case R 1411/2015-3

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the intervener to pay the costs of the Applicant.

Plea in law

- Infringement of Article 6 of Regulation No 6/2002.

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