

Action brought on 21 August 2017 — Disney Enterprises v EUIPO — Di Molfetta (DISNEY FROZEN)**(Case T-567/17)**

(2017/C 347/60)

*Language in which the application was lodged: English***Parties***Applicant:* Disney Enterprises, Inc. (Burbank, California, United States) (represented by: M. Graf, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Fabio Di Molfetta (Bisceglie, Italy)**Details of the proceedings before EUIPO***Applicant of the trade mark at issue:* Applicant*Trade mark at issue:* EU figurative mark containing the word elements 'DISNEY FROZEN' — Application for registration No 11 830 965*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 12 May 2017 in Case R 2342/2016-5**Form of order sought**

The applicant claims that the Court should:

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

Plea in law

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

Action brought on 25 August 2017 — thyssenkrupp Electrical Steel and thyssenkrupp Electrical Steel Ugo v Commission**(Case T-577/17)**

(2017/C 347/61)

*Language of the case: English***Parties***Applicants:* thyssenkrupp Electrical Steel GmbH (Gelsenkirchen, Germany) and thyssenkrupp Electrical Steel Ugo (Isbergues, France) (represented by: M. Günes, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant(s)/appellant(s) claims/claim that the Court should:

- annul the Commission's conclusion, in document Ares(2017)3010674 of 15 June 2017, that the essential interests of Union producers would not be adversely affected by an authorisation for inward processing of certain grain-oriented electrical steel (GOES) products;
- order defendant to pay the costs pursuant to Article 134(1) of the Rules of Procedure of the General Court.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the obligation to state reasons
 - The Commission's conclusion that the economic conditions were fulfilled with respect to the subject authorisation for inward processing fails to state any reasons on which the conclusion is based.
2. Second plea in law, alleging manifest error of assessment of facts
 - The Commission's conclusion that the subject authorisation for inward processing would not adversely affect the essential interests of Union producers is based upon a manifest error of assessment of the facts.
3. Third plea in law, alleging infringement of Article 211(4)(b) UCC ⁽¹⁾ and the basic Regulation ⁽²⁾
 - In concluding that the economic conditions were fulfilled with respect to the subject authorisation for inward processing, the Commission failed to limit its assessment to the factors set out in Article 211(4)(b) of the Union Customs Code (UCC) and based its assessment on factors that can only be reviewed under the procedure set out in the basic Regulation.
4. Fourth plea in law, alleging infringement of Article 259(4) of the UCC IA and the horizontal rules on operation of Commission expert groups
 - To the extent that the Commission delegated the conclusion on economic conditions to the Customs Expert Group, it infringed Article 259(4) of the UCC Implementing Act ⁽³⁾ (UCC IA) and the Commission's horizontal rules on the creation and operation of Commission expert groups.
5. Fifth plea in law, alleging infringement of rights of defence
 - By failing to disclose certain important information provided in the subject application for inward processing authorisation or non-confidential summaries of the information in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence, the Commission infringed applicants' rights of defence.

⁽¹⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ 2013, L 269, p. 1).

⁽²⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ 2009, L 343, p. 5).

⁽³⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ 2015, L 343, p. 558).

Action brought on 28 August 2017 — Wall Street Systems UK v ECB

(Case T-579/17)

(2017/C 347/62)

Language of the case: English

Parties

Applicant: Wall Street Systems UK Ltd (London, United Kingdom) (represented by: A. Csaki, lawyer)

Defendant: European Central Bank (ECB)

Form of order sought

The applicant claims that the Court should:

- declare null and void the decision of the European Central Bank (ECB) on the contract award to another tenderer in the form of the appeal decision of 17 August 2017, as well as all future decisions related thereto;