

— order the Commission to pay the costs, including the costs of any intervening parties.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission breached its duty to state reasons under Article 296(2) TFEU.

— The applicant argues in the first place that there has been an absolute failure to state reasons, given the implied refusal of access to the requested document, entitled 'Roadmap of measures towards the compliance of selected and authorised MSS operators with common conditions of Decision 626/2008/EC ⁽¹⁾, including intermediate new steps and corresponding time limits'. To the extent that the Court should consider that the Commission discharged its duty to state reasons already in the refusal letter of 5 May 2017, under Article 7(1) of Regulation 1049/2001 ⁽²⁾, in response to the applicant's initial request, the reasoning therein by way of fiction also being the reasoning of the implicit decision, adopted pursuant to Article 8(3) of that regulation, the applicant requests the Court to consider the subsequent pleas directed at that reasoning.

2. Second plea in law, alleging that the Commission failed to perform a concrete and individual examination of the requested document.

3. Third plea in law, alleging that the Commission failed to state reasons and erroneously applied the exception concerning the protection of commercial interests, as referred to in the first indent of Article 4(2) of Regulation 1049/2001.

4. Fourth plea in law, alleging that the Commission failed to state reasons and erroneously applied the exception concerning the protection of investigations, as referred to in the third indent of Article 4(2) of Regulation 1049/2001.

5. Fifth plea in law, alleging that the Commission erroneously determined there to be no overriding interest within the meaning of Article 4(2) of Regulation 1049/2001.

6. Sixth plea in law, alleging that the Commission erroneously determined that partial access was not possible within the meaning of Article 4(6) of Regulation 1049/2001.

⁽¹⁾ Decision No 626/2008/EC of the European Parliament and of the Council of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (MSS) (OJ 2008 L 172, p. 15).

⁽²⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

Action brought on 22 September 2017 — Sata v EUIPO — Zhejiang Auarita Pneumatic Tools (Spray gun for paint)

(Case T-651/17)

(2017/C 402/61)

Language in which the application was lodged: English

Parties

Applicant: Sata GmbH & Co. KG (Kornwestheim, Germany) (represented by: K. Manhaeve, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Zhejiang Auarita Pneumatic Tools Co. Ltd (Zhejiang, China)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant

Design at issue: Community design of a 'spray gun for paint'; Community design No 1259626-0001

Contested decision: Decision of the Third Board of Appeal of EUIPO of 12 July 2017 in Case R 914/2016-3

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and — if applicable — Zhejiang Auarita Pneumatic Tools Co. Ltd to jointly and severely pay all the costs.

Pleas in law

- Infringement of Articles 6.1(b), 6.2, 60.1, 62 and 64 of Regulation No 6/2002.

Action brought on 25 September 2017 — Inditex v EUIPO — Ansell (ZARA TANZANIA ADVENTURES)**(Case T-655/17)**

(2017/C 402/62)

*Language in which the application was lodged: English***Parties**

Applicant: Industria de Diseño Textil, SA (Inditex) (Arteixo, Spain) (represented by: G. Marín Raigal, G. Macías Bonilla, P. López Ronda, E. Armero Lavie, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other parties to the proceedings before the Board of Appeal: Zainab Ansell (Moshi, Tanzania) and Roger Ansell (Moshi)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: EU figurative mark containing the word elements 'ZARA TANZANIA ADVENTURES' — Application for registration No 8 320 591

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 5 July 2017 in Joined Cases R 2330/2011-2 and R 2369/2011-2

Form of order sought

The applicant claims that the Court should:

- partially annul the decision of the Second Board of Appeal of the EUIPO dated 5 July 2017, in joined Cases R 2330/2011-2 and R 2369/2011-2, in particular regarding the allowing of the EUTM application No. 8320591 to proceed to registration for the challenged services in Classes 39 and 43;