

- order that the of the appeal action be borne by the defendant (EUIPO) and the intervener, and those incurred in proceedings before the EUIPO's Opposition Division and the Second Board of Appeal by the intervener.

#### **Plea in law**

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

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**Action brought on 25 September 2017 — Sumol + Compal Marcas v EUIPO — Jacob (Dr. Jacob's essentials)**

**(Case T-656/17)**

(2017/C 402/63)

*Language in which the application was lodged: English*

#### **Parties**

*Applicant:* Sumol + Compal Marcas, SA (Carnaxide, Portugal) (represented by: A. De Sampaio, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Ludwig Manfred Jacob (Heidesheim, Germany)

#### **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 word mark containing the word elements 'Dr. Jacob's essentials' in orange, yellow and shades of green — Application for registration No 13 742 903

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 11 July 2017 in Case R 2067/2016-5

#### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to the proceedings to pay the costs.

#### **Plea in law**

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

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**Action brought on 21 September 2017 — Stichting Against Child Trafficking v OLAF**

**(Case T-658/17)**

(2017/C 402/64)

*Language of the case: English*

#### **Parties**

*Applicant:* Stichting Against Child Trafficking (Nijmegen, Netherlands) (represented by: E. Agstner, lawyer)

*Defendant:* European Anti-Fraud Office

**Form of order sought**

The applicant claims that the Court should:

- annul decision of 3 August 2017, in Case OC/2017/0451, of the European Anti-Fraud Office (OLAF) not to open an administrative investigation;
- instruct OLAF to open an administrative investigation and depending of its findings pass the matter to national law enforcement for criminal proceedings, and/or to European Institutions for administrative proceedings
- order OLAF to pay the costs of these proceedings.

**Pleas in law and main arguments**

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

1. First plea in law, alleging infringements of EU law and manifest errors of assessment committed by OLAF
  - The contested decision does not comply with the fundamental values of the European Union, the *acquis communautaire* and the United Nations convention on the rights of the child, and is based on a manifestly erroneous reading of the documents in the case-file.
2. Second plea in law, alleging a failure to act and open investigation
  - OLAF ignores the link between the previous and current effects of EU fundings being spent on organisations and policies contrary to EU law and values.
3. Third plea in law, based on the right to be heard
  - OLAF manifestly did not show any interest in truth-finding by refusing to call in witnesses and to meet with the applicant.
4. Fourth plea in law, alleging infringements of procedures
  - No transcript was established with regard to the meeting of 10 September 2014 during which the applicant and two civil servants of the European Commission brought statements and supporting facts.

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**Action brought on 27 September 2017 – China Construction Bank v EUIPO — Groupement des cartes bancaires (CCB)****(Case T-665/17)**

(2017/C 402/65)

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

*Applicant:* China Construction Bank Corp. (Beijing, China) (represented by: A. Carboni, J. Gibbs, Solicitors)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Groupement des cartes bancaires (Paris, France)

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* EU word mark figurative mark containing the word element 'CCB' — Application for registration No 13 359 609

*Procedure before EUIPO:* Opposition proceedings