

4. Fourth plea in law, alleging that the Commission infringed Article 13(4) and (5) of Directive 2010/75/EU, read in conjunction with Article 3(12) of that directive and Article 291(2) TFEU, by exceeding the entitlements which it is acknowledged as having in Article 13(5) of Directive 2010/75/EU, as a result of introducing derogations from the application of the BAT conclusions by means of the contested decision rather than by means of an amendment to Directive 2010/75/EU.
5. Fifth plea in law, alleging that the Commission infringed Article 3(3) and (4) of Regulation No 182/2011, misused its powers, and infringed the principles of sound administration by introducing, without allowing for prior discussion, significant amendments to the draft of the contested decision on the day of the vote by the Committee referred to in Article 75 of Directive 2010/75/EU as to its opinion on that draft.

Action brought on 11 October 2017 — Hermann Biederlack v EUIPO (Feeling home)

(Case T-715/17)

(2017/C 412/55)

Language of the case: German

Parties

Applicant: Hermann Biederlack GmbH & Co. KG (Greven, Germany) (represented by: T. Seifried, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'Feeling home' — Application for registration No 15 452 931

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 14 June 2017 in Case R 252/2017-5

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

Action brought on 18 October 2017 — Germanwings v Commission

(Case T-716/17)

(2017/C 412/56)

Language of the case: German

Parties

Applicant: Germanwings GmbH (Cologne, Germany) (represented by: A. Martin-Ehlers, lawyer)

Defendant: European Commission