

2. Second plea in law, alleging a failure to state reasons for the contested decision, relating to the failure to comply with the fourth criterion of the Altmark case-law and of the existence of an economic advantage.

Action brought on 15 November 2017 — TrekStor v EUIPO — Beats Electronics (i.Beat)

(Case T-748/17)

(2018/C 022/66)

Language in which the application was lodged: English

Parties

Applicant: TrekStor Ltd (Hong-Kong, China) (represented by: O. Spieker, M. Alber, A. Schönfleisch, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Beats Electronics LLC (Culver City, California, United States)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark ‘i.Beat’– EU trade mark No 5 009 139

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 12 September 2017 in Joined Cases R 2175/2016-4 and R 2213/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision insofar as it dismisses the appeal of the Applicant against the decision of the Defendant’s Cancellation Division dated September 29th, 2016 and thus upholds the Cancellation Applicant’s application for revocation and revokes the Applicant’s rights in respect of European Union trade mark No 005009139
- dismiss of Cancellation Applicant’s application for revocation;
- order the Cancellation Applicant and EUIPO to pay the costs of the proceedings including the costs necessarily incurred by the Applicant before the Board of the European Union Intellectual Property Office (EUIPO).

Pleas in law

- Infringement of Article 58(1)(a), of Regulation No 2017/1001;
- Infringement of Article 18(1)(a) of Regulation No 2017/1001.

Action brought on 14 November 2017 — TrekStor v EUIPO — Beats Electronics (i.Beat jess)

(Case T-749/17)

(2018/C 022/67)

Language in which the application was lodged: English

Parties

Applicant: TrekStor Ltd (Hong-Kong, China) (represented by: O. Spieker, M. Alber, A. Schönfleisch, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Beats Electronics LLC (Culver City, California, United States)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'i.Beat jess'– EU trade mark No 4 728 895

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 12 September 2017 in Case R 2234/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision insofar as it upholds the Cancellation Applicant's application for revocation and revokes the Applicant's rights in respect of European Union trade mark No 4 728 895;
- dismiss the Cancellation Applicant's application for revocation;
- order EUIPO to bear the costs of the proceedings including the costs necessarily incurred by the Applicant before the Board of Appeal of the European Union Intellectual Property Office (EUIPO).

Pleas in law

- Infringement of Article 58(1)(a) of Regulation No 2017/1001;
- Infringement of Article 18(1)(a) of Regulation No 2017/1001.

Action brought on 10 November 2017 — Izba Gospodarcza Producentów i Operatorów Urządzeń Rozrywkowych v Commission

(Case T-750/17)

(2018/C 022/68)

Language of the case: English

Parties

Applicant: Izba Gospodarcza Producentów i Operatorów Urządzeń Rozrywkowych (Warsaw, Poland) (represented by: P. Hoffman, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the decision of the European Commission of 29 August 2017 refusing access to the comments of the European Commission and the detailed opinion of the Republic of Malta, issued in the framework of notification procedure 2016/398/PL concerning an amendment of the Polish Act on games of chance;
- order the Commission to bear its own costs and to pay the costs of the applicant.