

**Action brought on 20 December 2017 — Weber-Stephen Products v EUIPO (iGrill)**

(Case T-822/17)

(2018/C 063/22)

*Language of the case: English***Parties**

*Applicant:* Weber-Stephen Products LLC (Palatine, Illinois, United States) (represented by: R. Niebel and A. Jauch, lawyers)

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

**Details of the proceedings before EUIPO**

*Trade mark at issue:* EU word mark 'iGrill' — Application for registration No 15 456 726

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 27 September 2017 in Case R 579/2017-2

**Form of order sought**

The applicant claims that the Court should:

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

**Plea in law**

- Misinterpretation of the legal requirements of articles 7(1)(b), 7(1)(c) and 7(2) of Regulation no. 2017/1001.

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**Action brought on 22 December 2017 — H2O Plus v EUIPO (H 2 O+)**

(Case T-824/17)

(2018/C 063/23)

*Language of the case: English***Parties**

*Applicant:* H2O Plus LLC (San Francisco, California, United States) (represented by: R. Niebel and F. Kerl, lawyers)

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

**Details of the proceedings before EUIPO**

*Trade mark at issue:* International registration designating the European Union in respect of the figurative mark containing the word elements 'H 2 O+' — International registration No W 1 313 244

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 6 October 2017 in Case R 499/2017-1

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;

— order EUIPO to pay the costs.

### **Plea in law**

— Erroneous application of Article 7(1)(b) and (c) of Regulation No 2017/1001.

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## **Action brought on 27 December 2017 — Aeris Invest v ECB**

(Case T-827/17)

(2018/C 063/24)

*Language of the case: Spanish*

### **Parties**

*Applicant:* Aeris Invest Sàrl (Luxembourg, Luxembourg) (represented by: R. Vallina Hoset, A. Sellés Marco, C. Iglesias Megías and A. Lois Perreau de Pinninck, lawyers)

*Defendant:* European Central Bank (ECB)

### **Form of order sought**

The applicant claims that the Court should:

- Annul the Decisions of the ECB LS/MD/17/405, LS/PT/17/406 and LS/MD/17/419 of 7 November 2017; and
- Order the ECB to pay the costs.

### **Pleas in law and main arguments**

In accordance with Article 263 TFEU and Article 8(3) of the Decision of the European Central Bank of 4 March 2004 on public access to European Central Bank documents (ECB/2004/3), this action seeks annulment of the Decisions of the European Central Bank LS/MD/17/405, LS/PT/17/406 and LS/MD/17/419 of 7 November 2017 relating to confirmatory requests for access to ECB documents.

In support of the action, the applicant relies upon four pleas in law:

1. First plea in law: Decisions LS/MD/17/405, LS/PT/17/406 and LS/MD/17/419 infringe Article 4(1)(c) of the Access Decision inasmuch as they deny the applicant access to information on the grounds that the documents are claimed to be, fully or in part, protected by a general presumption of non-accessibility because they are confidential documents covered by the principle of professional secrecy applicable to the institutions.
2. Second plea in law: Decision LS/PT/17/406 infringes the second and sixth indents of Article 4(1)(a) of the Access Decision inasmuch as it states that disclosure of Banco Popular's use of ELA (emergency liquidity assistance) in the days preceding its resolution and of information regarding its liquidity situation and capital ratios could in fact specifically sap the efficiency of the monetary policy and financial stability of the Union or of a Member State.
3. Third plea in law: Decision LS/PT/17/406 and Decision LS/MD/17/419 infringe the first indent of Article 4(2) of the Access Decision by stating that the documents and information requested are commercially sensitive material that could affect the commercial interests of the Banco Popular and Banco Santander.