

**Action brought on 13 July 2018 — Sintokogio v EUIPO (ProAssist)****(Case T-439/18)**

(2018/C 328/72)

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

*Applicant:* Sintokogio Ltd (Nagoya, Japan) (represented by: V. Dalichau, S. Kirschstein-Freund, B. Breitingger, 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 word mark ProAssist — Application for registration No 1 327 746

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 3 May 2018 in Case R 2341/2017-2

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision concerning the EU Part of International Registration 1327746;
- alternatively amend the contested decision concerning the EU Part of International Registration 1327746;
- order EUIPO to pay the costs of the appeal proceedings and of the proceedings before the Court.

**Pleas in law**

- Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of the Principle of equal treatment and sound administration, Article 107 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 26 July 2018 — eSlovensko Bratislava v Commission****(Case T-460/18)**

(2018/C 328/73)

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

*Applicant:* eSlovensko Bratislava (Bratislava, Slovakia) (represented by: B. Fridrich, lawyer)

*Defendant:* European Commission

**Form of order sought**

- annul the decision of the Commission, concretely the individual legal act entitled 'Payment by offsetting by outstanding claims and debts' issued by the European Commission, Budget execution dept. (general budget and EDF), ref. BUDG/DGA/C4/LM/24307, issued on 22 June 2018;
- order the Commission to proceed to pay the eligible costs to the applicant (registered ID No. 42412439), as the original beneficiary and the contractual party of Grant Agreement INEA/CEF/ICT/A2015/1154788, Action 2015-SK-IA-0038 — 'Slovak Safer Internet Centre IV', in accordance with that valid and effective grant agreement, and concretely Article 4.1.3 thereof;
- order the Commission to reimburse the costs and expenses of the proceedings.

**Pleas in law and main arguments**

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

1. First plea in law, alleging the annulment of the contested decision on the basis of infringement of the rule of law relating to the application of the Treaties, especially improper legal evaluation of the circumstances and facts of offsetting, because the applicant (registered ID No. 42412439), according to the Plaumann principle, is directly concerned by this decision and there is a direct negative impact of the decision on it.
2. Second plea in law, alleging that the Commission be ordered to proceed to payment of the eligible costs to the applicant as the original beneficiary and the contractual party of the grant agreement No. INEA/CEF/ICT/A2015/1154788, Action 2015-SK-IA-0038 — 'Slovak Safer Internet Centre IV', in accordance with the valid and effective grant agreement, concretely article 4.1.3 thereof, based on the fact that the Commission has the competence to deal with issues of project implementation and financial transfers in relation to the valid and effective contract between the Commission and the applicant.
  - The Commission's contested decision relies on Article 68 of the Financial regulation, <sup>(1)</sup> stating that 'It is necessary to lay down the rules relating to the property inventory and to clarify the respective responsibilities in this field of the accounting officers and authorising officers, as well as the rules applicable to the resale of property entered in the inventory with the view to an efficient asset management.' In this sense, the applicant underlines that the Commission had several times been informed by the applicant that the Commission's proceedings against it had been confused with another organisation, which operated in previous projects of a similar character.
3. Third plea in law, alleging that the Commission be ordered to reimburse the costs and expenses of the proceedings. In accordance with the above-mentioned arguments and the allegedly arbitrary character of the contested decision, the applicant requests the Court to reimburse costs and expenses connected with the proceedings before it as well as the costs and expenses spent for the legal assistance in relation to the claim.

<sup>(1)</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ 2012 L 298, p. 1).

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**Action brought on 31 July 2018 — Grupo Bimbo v EUIPO — Rubio Snacks (Tia Rosa)**

**(Case T-464/18)**

(2018/C 328/74)

*Language in which the application was lodged: Spanish*

**Parties**

*Applicant:* Grupo Bimbo, SAB de CV (Mexico, Mexico) (represented by: N. Fernández Fernández-Pacheco, lawyer)