

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: Application for European Union figurative mark MediWell — Application for registration No 15 078 645

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 8 June 2018 in Case R 6/2018-5.

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- annul the decision of the Opposition Division;
- refuse the mark applied for;
- order EUIPO to pay the costs.

Plea in law

- Infringement of Art. 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 22 August 2018 — Haba Trading v EUIPO — Vida (vidaXL)

(Case T-503/18)

(2018/C 373/18)

Language of the case: English

Parties

Applicant: Haba Trading BV (Utrecht, Netherlands) (represented by: B. Schneiders and A. Brittner, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Vida AB (Alvesta, Sweden)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the General Court

Trade mark at issue: Application for European Union figurative mark vidaXL — Application for registration No 11 603 024

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 12 June 2018 in Case R 190/2016-5

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Infringement of Article 18(1)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council

Action brought on 24 August 2018 — XG v Commission**(Case T-504/18)**

(2018/C 373/19)

*Language of the case: French***Parties***Applicant:* XG (represented by: S. Kaisergruber and A. Brughelle-Vernet, lawyers)*Defendant:* European Commission**Form of order sought**

- Declare the application admissible and well founded;

Consequently:

- Annul the decision of 3 July 2018 adopted by [*confidential*] ⁽¹⁾ the European Commission to maintain the refusal of access to the applicant to Commission premises;
- Order the Commission to pay the costs.

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 that the author of the contested act did not have the power to adopt it.
2. Second plea in law, alleging infringement of Article 3 of Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ 2015 L 72, p. 41; 'Decision 2015/443') and the absence of legal basis of the contested act.
3. Third plea in law, alleging infringement of the fundamental rights of the applicant, in particular breach of Article 67 TFEU, Article 6 TEU, Article 3 of Decision 2015/443 and Articles 6, 7, 8, 15, 27, 31, 41, 42, 47, 48 and 49 of the Charter of Fundamental Rights. This plea is divided into three parts:
 - first part, alleging infringement of the rights to freedom, privacy, protection of personal data and the right freely to exercise a profession;
 - second part, alleging infringement of the right to sound administration, transparency, access to documents and an effective remedy and infringement of the presumption of innocence and the rights of the defence;
 - third part, alleging infringement of the principle of proportionality and of Article 49 of the Charter of Fundamental Rights.