

Pleas in law and main arguments

In support of the appeal, the appellants rely on two pleas in law.

1. First plea in law, that the General Court erred in concluding that the 'protection of court proceedings' indent of Article 4(2) of Regulation 1049/2001 ⁽¹⁾ is only relevant where documents were drawn up in the context of specific court proceedings or where they contain legal positions that are the subject of such proceedings. This put an impermissible restriction and limitation onto the wording of Article 4(2) that is not contained in the Regulation.
2. Second plea in law, that the General Court erred in concluding that the 'commercial interests' indent of Article 4(2) of Regulation 1049/2001 can only apply where specific elements of the document are identified as undermining the commercial interests of the relevant party, and cannot apply simply on the basis that the disclosure of a document as a whole would harm the commercial interests of its creator. This view prevented the General Court from recognising the error in law and assessment made by the respondent by refusing to consider the context of the request for disclosure in this case.

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001, L 145, p. 43).

Appeal brought on 29 July 2019 by KID-Systeme GmbH against the judgment of the General Court (Sixth Chamber) delivered on 16 May 2019 in Case T-354/18: KID-Systeme v EUIPO

(Case C-577/19 P)

(2019/C 432/22)

Language of the case: English

Parties

Appellant: KID-Systeme GmbH (represented by: R. Kunze, G. Würtenberger, Rechtsanwälte, T. Wittmann, Rechtsanwältin)

Other party to the proceedings: European Union Intellectual Property Office

By order of 10 October 2019 the Court of Justice (Chamber determining whether appeals may proceed) held that the appeal is not allowed to proceed and that KID-Systeme GmbH shall bear its own costs.
