

- Had there been an obvious error of law, the appropriate course was to revoke the previous decision;
- Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council and of the principles of natural justice.

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**Action brought on 28 March 2019 — Public.Resource.Org and Right to Know v Commission**

**(Case T-185/19)**

(2019/C 172/58)

*Language of the case: English*

**Parties**

*Applicants:* Public.Resource.Org, Inc. (Sebastopol, California, United States), Right to Know CLG (Dublin, Ireland) (represented by: F. Logue, Solicitor, A. Grünwald, J. Hackl and C. Nüßing, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- annul decision C(2019) 639 final of the European Commission of 22 January 2019 (including the initial decision of 15 November 2018 with reference GROW/D3/ALR/dr (2018) 5993057);
- in the alternative, refer the matter back to the European Commission; and
- order the European Commission to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging that the European Commission misinterpreted and/or misapplied Article 4(2), first indent, of Regulation (EC) No 1049/2001, <sup>(1)</sup> since this provision does not protect the requested harmonised standards:
  - No copyright protection of the requested harmonised standards is possible because they are part of EU Law;
  - The requested harmonised standards lack originality and therefore do not benefit from copyright protection;
  - The defendant did not demonstrate the alleged undermining of the commercial interest of the standardisation organization.

2. Second plea in law, alleging that the European Commission infringed the last clause of Article 4(2) of Regulation (EC) No 1049/2001, since it wrongly denied that the applicants have an overriding public interest in access to the requested harmonised standards:
- The concepts of the rule of law and fundamental rights require free access to the laws of the European Union;
  - The requested standards contain environmental information and particularly information on emissions into the environment and therefore must be released according to Regulation (EC) No 1367/2006; <sup>(2)</sup>
  - The defendant did not give adequate reasons for the denial of the overriding public interest.

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<sup>(1)</sup> Regulation (EC) 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).

<sup>(2)</sup> Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ 2006 L 264, p. 13).

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**Action brought on 29 March 2019 — Glaxo Group v EUIPO (colour mark purple)**

**(Case T-187/19)**

(2019/C 172/59)

*Language of the case: English*

**Parties**

*Applicant:* Glaxo Group Ltd (Brentford, United Kingdom) (represented by: S. Malynicz, QC, S. Baran, Barrister and R. Jacob, Solicitor)

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

**Details of the proceedings before EUIPO**

*Trade mark at issue:* Application for European Union colour mark purple (PANTONE: 2587C) — Application for registration No 14 596 951

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 15 January 2019 in Case R 1870/2017-1

**Form of order sought**

The applicant claims that the Court should:

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