

Trade mark at issue: Application for European Union figurative mark (Representation of a fork on a green background) — Application for registration No 15 474 356

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 20 February 2019 in Case R 1213/2018-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to the proceedings before the Board of Appeal to bear the costs of the proceedings including the costs necessarily incurred by the applicant before the Board of Appeal.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 46(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 20 April 2019 — *gastivo portal* v EUIPO — *La Fourchette* (Representation of a fork on a green background)

(Case T-267/19)

(2019/C 230/70)

Language of the case: English

Parties

Applicant: *gastivo portal* GmbH (Bremen, Germany) (represented by: O. Spieker, A. Schönfleisch, N. Willich and N. Achilles, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: *La Fourchette* SAS (Paris, France)

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 (Representation of a fork on a green background) — Application for registration No 15 474 356

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 20 February 2019 in Case R 1211/2018-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to the proceedings before the Board of Appeal to bear the costs of the proceedings including the costs necessarily incurred by the applicant before the Board of Appeal.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 46(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 4 May 2019 — Vanhoudt and Others v EIB

(Case T-294/19)

(2019/C 230/71)

Language of the case: English

Parties

Applicants: Patrick Vanhoudt (Gonderange, Luxembourg) and nine other applicants (represented by: A. Haines, Barrister)

Defendant: European Investment Bank (EIB)

Form of order sought

The applicants claim that the Court should:

- annul the EIB's decision of 31 January 2019 refusing to compensate the applicants for their uncompensated losses and refusing to share the SPAC simulation tool and its results;
- further, or in the alternative, order the EIB to compensate the applicants for the non-material damage flowing from and caused by the EIB's decision to withhold the SPAC simulation tool and/or its results;
- order the EIB to disclose the SPAC actuarial simulation tool and its results in the form of print-outs of the actuarial simulations in order that the applicants can evaluate their uncompensated loss, and thus, the adequacy — or lack thereof — of the compensatory measures provided to them by the EIB following reforms to their pension and remuneration;