

Defendant: European Commission (represented by: J. Baquero Cruz and F. Clotuche-Duvieusart, acting as Agents)

Re:

Application to suspend operation of Decision GESTDEM 2014/6064 of 21 April 2015 concerning a confirmatory application for access pursuant to 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), by which the Commission granted access to two documents emanating from the French authorities which had been sent to the Commission in accordance with the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ 1998 L 204, p. 37).

Operative part of the order

1. The operation of European Commission decision GESTDEM 2014/6064 of 21 April 2015 concerning a confirmatory application for access pursuant to 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, by which the Commission granted access to two documents emanating from the French authorities which had been sent to the Commission in accordance with the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, is suspended.
2. Costs are reserved.

Action brought on 9 July 2015 — Renfe-Operadora v OHIM (AVE)

(Case T-367/15)

(2015/C 346/37)

Language of the case: Spanish

Parties

Applicant: Renfe-Operadora, Public business entity (Madrid, Spain), (represented by: J.-B. Devaurieux, lawyer and M. Hernández Sandoval, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Details of the proceedings before OHIM

Trade mark at issue: Community figurative mark containing the word element 'AVE' — Application for *restitutio in integrum* — Application for registration No 5.640.198

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 24 April 2015 in Case R 712/2014-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision by granting its application for ‘Restitution in integrum’ and, consequently, declare admissible the earlier appeal brought by the applicant against the decision of the Cancellation Division of 4 February 2014, which is to be heard by the Fifth Board of Appeal of OHIM.
- order OHIM to pay the costs.

Pleas in law

- Incomplete statement of facts in the contested decision, procedural irregularities giving rise to infringement of the applicant’s rights of defence and of the duty of care owed to the applicant.
- Incorrect assessment of the evidence, lack of proportion between the formal defect supposedly committed by the applicant and the consequences of the same inasmuch as the applicant was deprived of its right to challenge a decision against his interests, and too strict an approach taken in the decision.
- Infringement of the applicant’s right to a fair hearing as it could not challenge the grounds on which the declaration of partial annulment of the mark ‘AVE’ was based.

Appeal brought on 13 August 2015 by European External Action Service (EEAS) against the judgment of the Civil Service Tribunal of 3 June 2015 in Case F-78/14, Gross v EEAS

(Case T-472/15 P)

(2015/C 346/38)

Language of the case: French

Parties

Appellant: European External Action Service (EEAS) (represented by S. Marquardt and M. Silva, acting as Agents)

Other party to the proceedings: Philipp Oliver Gross (Brussels, Belgium)

Form of order sought by the appellant

The appellant claims that the Court should:

- set aside the judgment of the Civil Service Tribunal of the European Union (Third Chamber) of 3 June 2015 in Case F-78/14 (Gross v EEAS);
- uphold the claims submitted by the appellant at first instance;
- order the defendant to pay the costs.