

Action brought on 9 September 2017 — de la Fuente Martín and Others v SRB**(Case T-619/17)**

(2018/C 005/59)

*Language of the case: Spanish***Parties**

Applicants: Juan Antonio de la Fuente Martín (Madrid, Spain) and 525 other applicants (represented by: M. Durán Muñoz and M. Duran Campos, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicants claim that the General Court should:

- Annul the resolution or decision of the Single Resolution Board, adopted at its expanded executive session of 7 June 2017 (Decision SRB/EES/2017/08), published partially and incompletely on 12 July 2017 adopting the resolution scheme regarding the institution Banco Popular Español, S.A., thereby depriving it of effect and repealing it, and order the return to shareholders and owners of capital instruments of their respective shares and capital instruments of that bank and, consequently, reinstate their rights in full.
- Alternatively, declare that SRB's contested decision has caused harm to Banco Popular Español, S.A. shareholders and bond holders — harm in respect of which SRB is under an obligation to pay compensation, in accordance with Article 87 of Regulation No 806/2014 of 15 July 2014 — and order SRB and, consequently, the European Union to pay compensation to the applicants in an amount equivalent to the financial value of the shares and capital instruments which were held by the applicants the day before the adoption of the contested decision or, where appropriate, in the alternative, in an amount equivalent to the financial value those shares and instruments would have maintained had the financial institution been subject to an ordinary insolvency procedure at the time of the adoption of the contested decision.

Pleas in law and main arguments

The pleas in law and main arguments are similar to those put forward in Cases T-478/17, *Mutualidad de la Abogacía and Hermandad Nacional de Arquitectos Superiores y Químicos v Single Resolution Board*, T-481/17, *Fundación Tatiana Pérez de Guzmán el Bueno and SFL v Single Resolution Board*, T-482/17, *Comercial Vascongada Recalde v Commission and Single Resolution Board*, T-483/17, *García Suárez and Others v Commission and Single Resolution Board*, T-484/17, *Fidesban and Others v Single Resolution Board*, T-497/17, *Sánchez del Valle and Calatrava Real State 2015 v Commission and Single Resolution Board*, and T-498/17, *Pablo Álvarez de Linera Granda v Commission and Single Resolution Board*.

Action brought on 26 September 2017 — Relea Álvarez and Others v SRB**(Case T-653/17)**

(2018/C 005/60)

*Language of the case: Spanish***Parties**

Applicants: María Jesús Relea Álvarez (Madrid, Spain) and 20 other applicants (represented by: M. Gómez de Liaño Botella, V. Hernández-Talavera Martín, M. Gómez de Liaño Botella, F. Azpeitia Gamazo and L. Lopez Álvarez, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicants claim that the General Court should:

- Annul the contested decision;
- Declare that the EU has incurred financial liability for the damage caused and order the SRM fund to pay an amount corresponding to the value of the capital instruments before the implementation of the resolution mechanism, or in the alternative, the value of those instruments according to expert valuation carried out by an independent party, in accordance with Article 340, on the basis of which the applicants bring, in addition to the annulment proceedings, an action for damages;
- Order SRB to pay the cost of these proceedings pursuant to Article 132 et seq. of the Rules of Procedure of the General Court.

Pleas in law and main arguments

The pleas in law and main arguments are similar to those put forward in Cases T-478/17, *Mutualidad de la Abogacía and Hermandad Nacional de Arquitectos Superiores y Químicos v Single Resolution Board*, T-481/17, *Fundación Tatiana Pérez de Guzmán el Bueno and SFL v Single Resolution Board*, T-482/17, *Comercial Vascongada Recalde v Commission and Single Resolution Board*, T-483/17, *García Suárez and Others v Commission and Single Resolution Board*, T-484/17, *Fidesban and Others v Single Resolution Board*, T-497/17, *Sánchez del Valle and Calatrava Real State 2015 v Commission and Single Resolution Board*, and T-498/17, *Pablo Álvarez de Linera Granda v Commission and Single Resolution Board*.

Action brought on 29 September 2017 — NeoCell v EUIPO (BIOACTIVE NEOCELL COLLAGEN)

(Case T-666/17)

(2018/C 005/61)

Language of the case: English

Parties

Applicant: NeoCell Holding Company LLC (Sunrise, Florida, United States) (represented by: M. Edenborough, QC)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the word mark 'BIOACTIVE NEOCELL COLLAGEN' — International registration No 1 298 829 designating the European Union

Contested decision: Decision of the Second Board of Appeal of EUIPO of 18 July 2017 in Case R 147/2017-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- in the alternative, alter the contested decision to state that the application possesses sufficient distinctive character that no objection to its registration may be raised under Article 7(1)(b) or (c) of the Regulation;