

**Action brought on 22 September 2017 — Serendipity and Others v EUIPO — CKL Holdings
(CHIARA FERRAGNI)**

(Case T-647/17)

(2017/C 392/47)

Language in which the application was lodged: Italian

Parties

Applicant: Serendipity Srl (Milan, Italy), Giuseppe Morgese (Barletta, Italy), Pasquale Morgese (Barletta) (represented by: C. Volpi and L. Aliotta, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: CKL Holdings NV (CV Bussum, Netherlands)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: European Union figurative mark containing the word elements 'CHIARA FERRAGNI' in black and sky blue — Registration application No 14 346 795

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 17 July 2017 in Case R 2444/2016-4

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Seniority of earlier European Union trade mark No 011841582 'Chiara Ferragni' filed on 25 June 2013, registered on 10 October 2013;
- Incorrect comparison of the marks at issue;
- Incorrect global assessment of the likelihood of confusion.

Action brought on 2 October 2017 — ClientEarth v Commission

(Case T-677/17)

(2017/C 392/48)

Language of the case: English

Parties

Applicant: ClientEarth (London, United Kingdom) (represented by: A. Jones, Barrister)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the application admissible and well-founded,
- annul the second sub-paragraph of Article 1(3)(a) of the Commission Regulation (EU) 2017/1154 of 7 June 2017, amending Regulation (EU) 2017/1151 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ 2017 L 175, p. 708);
- order the Commission to pay the applicant's costs; and
- order any other measure deemed appropriate.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging that the confidentiality requirement imposed by the contested provision is unlawful because it will necessarily preclude public authorities in EU Member States from disclosing information on emissions into the environment in response to a request from a member of the public, in breach of Articles 3 and 4 of the Environmental Information Access Directive ⁽¹⁾.
2. Second plea in law, alleging the blanket confidentiality requirement imposed by the contested provision is unlawful because it will necessarily preclude EU institutions and bodies from disclosing information on emissions into the environment in response to a request from a member of the public, in breach of Article 6 of the Aarhus Regulation ⁽²⁾ and Article 2 the Public Access Regulation ⁽³⁾.
3. Third plea in law, alleging that the Commission, in introducing a blanket confidentiality provision, has introduced an essential element that goes beyond the scope of supplementing measures within the meaning of Articles 5(3) and 14(3) of Regulation (EC) No 715/2007, modifying the effect of the Environmental Information Access Directive, the Aarhus Regulation, and the Public Access Regulation, and depriving those measures of their *effet utile*.
4. Fourth plea in law, alleging that the blanket confidentiality requirement imposed by the contested provision violates the general principle of proportionality at EU law.

⁽¹⁾ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ 2003, L 41, p. 26)

⁽²⁾ 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).

⁽³⁾ 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).