

Plea(s) in law

— Infringement of 8(1) of Regulation No 207/2009.

Action brought on 6 December 2017 — Star Television Productions v EUIPO — Marc Dorcel (STAR)
(Case T-797/17)
(2018/C 042/54)

Language in which the application was lodged: English

Parties

Applicant: Star Television Productions Ltd (Tortola, British Virgin Islands) (represented by: D. Farnsworth, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Marc Dorcel SA (Paris, France)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark containing the word element 'STAR' — EU trade mark No 1 992 510

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Second Board of Appeal of EUIPO of 14 September 2017 in Case R 1519/2016-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- refuse the application for revocation and;
- order EUIPO to pay the costs incurred by the Appellant in connection with this appeal.

Plea in law

— Infringement of Article 58(1)(a) of Regulation No 207/2009.

Action brought on 8 December 2017 — De Masi and Varoufakis v ECB
(Case T-798/17)
(2018/C 042/55)

Language of the case: German

Parties

Applicants: Fabio De Masi (Hamburg, Germany) and Yanis Varoufakis (Athens, Greece) (represented by: Professor A. Fischer-Lescano)

Defendant: European Central Bank

Form of order sought

The applicants claim that the Court should:

- annul the decision of the Executive Board of the European Central Bank, notified by letter of 16 October 2017, by which the applicants' application for access to the European Central Bank document 'Responses to questions concerning the interpretation of Article 14.4 of the Statute of the ESCB and of the ECB' of 23 April 2015 was rejected;
- order the defendant to pay the costs of the proceedings, including the costs of any intervening party, pursuant to Article 87(2) of the Rules of Procedure of the General Court.

Pleas in law and main arguments

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

1. First plea in law: Incorrect application of the second indent of Article 4(2) of Decision of the European Central Bank of 4 March 2004 on public access to European Central Bank documents (ECB/2004/3) ⁽¹⁾
 - The applicants claim that the publication of the legal opinion in question would not undermine the defendant's legal advice and that there is an overriding public interest in its disclosure. Furthermore, there was a lack of consideration and a failure to state adequate reasons.
2. Second plea in law: Incorrect application of Article 4(3) of Decision of the European Central Bank of 4 March 2004 on public access to European Central Bank documents (ECB/2004/3)
 - Publication of the legal opinion in question would not undermine its internal use as part of deliberations and preliminary consultations within the European Central Bank, or for exchanges of views between the European Central Bank and national central banks.

⁽¹⁾ Decision of the European Central Bank of 4 March 2004 on public access to European Central Bank documents (ECB/2004/3) (OJ 2004 L 80, p. 42).

Action brought on 11 December 2017 — Scania and Others v Commission

(Case T-799/17)

(2018/C 042/56)

Language of the case: English

Parties

Applicants: Scania AB (Södertälje, Sweden), Scania CV AB (Södertälje) and Scania Deutschland GmbH (Koblenz, Germany) (represented by: D. Arts, F. Miotto, C. Pommiès, K. Schillemans, C. Langenius, L. Ulrichs and P. Hammarskiöld, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- adopt a measure of organisation of procedure pursuant to Article 88(1) and Article 89(3)(d) of the Rules of Procedure requesting the Commission to produce the written submissions of DAF and Iveco to the statement of objections;
- annul the decision of the European Commission of 27 September 2017 relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement (AT.39824 — Trucks)(the contested decision);
- in the alternative, partially annul the contested decision and reduce the fine imposed on the Applicants under Article 261 TFEU and Article 31 of Regulation 1/2003;
- in any event, substitute its own appraisal for the Commission's as regards the amount of the fine and reduce the fine imposed on the Applicants under Article 261 TFEU and Article 31 of Regulation 1/2003; and