

6. Sixth plea in law, alleging infringement of the principle of legitimate expectations.

7. Seventh plea in law, alleging infringement of the Work instructions and the duty of care.

The applicant relies on a single plea in law as regards the decision not to promote her, alleging infringement of the decision of 22 April 2008 concerning the career of temporary staff and assignment to a post carrying a higher grade than that at which they were engaged, a manifest error of assessment and infringement of the principle of non-discrimination.

Action brought on 28 May 2018 — VI.TO. v EUIPO — Bottega (Shape of a golden bottle)

(Case T-324/18)

(2018/C 259/61)

Language in which the application was lodged: Italian

Parties

Applicant: Vinicola Tombacco (VI.TO.) Srl (Trebaseleghe, Italy) (represented by: L. Giove, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Sandro Bottega (Colle Umberto, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: European Union three-dimensional mark (Shape of a golden bottle) – European Union trade mark No 11 531 381

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of EUIPO of 14 March 2018 in Case R 1036/2017-1

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Incorrect assessment of the ground for refusal under Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Incorrect assessment of the ground for refusal under Article 7(1)(e)(i), (ii) and (iii) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 31 May 2018 — Szécsi and Somossy v Commission

(Case T-331/18)

(2018/C 259/62)

Language of the case: German

Parties

Applicants: István Szécsi (Szeged, Hungary) and Nóra Somossy (Szeged) (represented by: D. Lazar, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- order the defendant to pay to the applicants HUF 38 330 542,83 in compensation;
- order the defendant to pay to the applicants interest on the principal claim from 20 April 2016 at the rate of 11,95 % per annum;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The action is based on the following plea.

The applicants claim that the Commission wrongfully breached its duty of supervision under Article 17 TEU, in so far as it failed to take any appropriate measures to ensure that Article 13 of Directive 2005/29/EC of the European Parliament and of the Council ⁽¹⁾ and the relevant Hungarian implementing legislation were applied by the Hungarian courts.

⁽¹⁾ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ 2005 L 149, p. 22).

Action brought on 28 May 2018 — Marry Me Group v EUIPO (MARRY ME)

(Case T-332/18)

(2018/C 259/63)

Language of the case: German

Parties

Applicant: Marry Me Group AG (Zug, Switzerland) (represented by: G. Theado, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'MARRY ME' — Application for registration No 15 958 226

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 5 March 2018 in Case R 806/2017-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision.