

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs, including those incurred in the proceedings before the Board of Appeal.

Plea in law

- Infringement of Article 7(1)(b) and (c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 17 August 2018 — OCU v SRB**(Case T-496/18)**

(2018/C 352/55)

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

Applicant: Organización de Consumidores y Usuarios (OCU) (Madrid, Spain) (represented by: E. Martínez Martínez and C. López-Mélida de Ramón, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicant claims that the General Court should:

- Annul the SRB Appeal Panel's Final Decision of 19 June 2018, given in Case 54/2017 brought against the Single Resolution Board;
- Order the 'SRB Appeal Panel' to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law:

1. First plea in law, alleging a breach of the fundamental right under Article 41(2) of the Charter of Fundamental Rights of the European Union ('the Charter') and the principle of the observance of the rights of the defence (right to good administration in the form of access to documents for the legitimate exercise of the rights of the defence).
 - It is claimed in that connection that the contested decision, in which the Appeal Board does not grant full access to the documentation held by the Single Resolution Board (SRB), requested for the purpose of exercising the legitimate rights of the defence, constitutes a serious breach of the fundamental right to good administration, in the form of access to documents under Article 41(2) of the Charter and the fundamental principle of EU law of observance of the rights of the defence.

2. Second plea in law, alleging infringement of the articles which establish an exception to the requirements of confidentiality and professional secrecy where a request is made in the exercise of the rights of the defence and access to an effective remedy, referred to in Article 88 of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014, establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ 2014 L 225, p. 1); Article 84 of Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ 2014 L 173, p. 190); and Article 53 of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ 2013 L 176, p. 338).

— It is claimed in that connection that the contested decision, in which the Appeal Board does not grant full access to the documentation held by the SRB, wrongly applies the exceptions to general access to documents contained in the abovementioned legislation, given that such access is sought in the context of exercising the rights of the defence and the right to access to an effective remedy.

3. Third plea in law, alleging a breach of the fundamental right under Article 41(2) of the Charter (the right to good administration, so far as concerns the obligation to give reasons for decisions).

— It is claimed in that connection that the contested decision, in which the Appeal Board does not grant full access to the documentation held by the Single Resolution Board (SRB), constitutes a serious breach of the fundamental right to good administration, referred to in Article 41(2) of the Charter, in so far as it disregards the obligation to give reasons for decisions.

Action brought on 14 August 2018 — IAK — Forum International v EUIPO — Schwalb (IAK)

(Case T-497/18)

(2018/C 352/56)

Language in which the application was lodged: German

Parties

Applicant: IAK GmbH — Forum International (Kirchzarten, Germany) (represented by: G. Wilke, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Ulrich Schwalb (Cologne, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark IAK — EU trade mark No 9 843 533

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 11 June 2018 in Case R 1511/2017-4