

Form of order sought

The applicant claims that the Court should:

- annul the Commission's implied negative decision of 24 August 2017, resulting from the failure by the European Commission, under Article 8(3) of Regulation No 1049/2001, to reply within the prescribed time-limit to the applicant's confirmatory application for access to documents of 10 July 2017 in relation to the access to documents request registered on 2 May 2017 under No 2017/2592, insofar as concerns information produced or exchanged in the context of a call for applications for pan-European systems providing mobile satellite services;
- order the Commission to pay the costs, including those of any intervening parties.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission breached its duty to state reasons under Article 296(2) TFEU.
2. Second plea in law, alleging that the Commission failed to perform a concrete and individual examination of the requested documents.

Action brought on 3 November 2017 — STIF-IDF v Commission

(Case T-738/17)

(2018/C 022/65)

Language of the case: French

Parties

Applicant: Syndicat Transport Île-de-France (STIF-IDF) (Paris, France) (represented by: B. Le Bret and C. Rydzynski, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- partially annul the contested decision to the extent that, in Article 3, it classifies 'the C2 contributions awarded by STIF under CT2' as an 'unlawfully implemented aid scheme' but compatible with the internal market;
- order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging an infringement of Article 107(1) TFEU vitiating the contested decision in the present case, namely Commission Decision (EU) 2017/1470 of 2 February 2017 on State aid schemes SA.26763 2014/C (ex 2012/NN) implemented by France in favour of bus transport undertakings in the Île-de-France Region (OJ 2017 L 209, p. 24). Such an infringement was committed by the Commission in so far as it classified the C2 contribution of CT2 as State aid, considering that the measure conferred an economic advantage on its beneficiaries.

The applicant considers moreover that the Commission, in its analysis, commits several errors of law and assessment when it concluded that the fourth criterion of the Altmark case-law was not fulfilled in the present case.

2. Second plea in law, alleging a failure to state reasons for the contested decision, relating to the failure to comply with the fourth criterion of the Altmark case-law and of the existence of an economic advantage.

Action brought on 15 November 2017 — TrekStor v EUIPO — Beats Electronics (i.Beat)

(Case T-748/17)

(2018/C 022/66)

Language in which the application was lodged: English

Parties

Applicant: TrekStor Ltd (Hong-Kong, China) (represented by: O. Spieker, M. Alber, A. Schönfleisch, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Beats Electronics LLC (Culver City, California, United States)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark ‘i.Beat’– EU trade mark No 5 009 139

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 12 September 2017 in Joined Cases R 2175/2016-4 and R 2213/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision insofar as it dismisses the appeal of the Applicant against the decision of the Defendant’s Cancellation Division dated September 29th, 2016 and thus upholds the Cancellation Applicant’s application for revocation and revokes the Applicant’s rights in respect of European Union trade mark No 005009139
- dismiss of Cancellation Applicant’s application for revocation;
- order the Cancellation Applicant and EUIPO to pay the costs of the proceedings including the costs necessarily incurred by the Applicant before the Board of the European Union Intellectual Property Office (EUIPO).

Pleas in law

- Infringement of Article 58(1)(a), of Regulation No 2017/1001;
- Infringement of Article 18(1)(a) of Regulation No 2017/1001.

Action brought on 14 November 2017 — TrekStor v EUIPO — Beats Electronics (i.Beat jess)

(Case T-749/17)

(2018/C 022/67)

Language in which the application was lodged: English

Parties

Applicant: TrekStor Ltd (Hong-Kong, China) (represented by: O. Spieker, M. Alber, A. Schönfleisch, lawyers)