

**Form of order sought**

The applicants claim that the Court should:

- annul the decision in so far as it rejects the applications for confidential treatment made by the applicants;
- order the Commission to pay all the costs.

**Pleas in law and main arguments**

In support of their action against Commission Decision C(2018) 2743 final of 27 April 2018 concerning objections to the disclosure of information submitted by the applicants on the basis of Article 8 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 (OJ 2011, L 275, p. 29) on the function and terms of reference of the hearing officer in certain competition proceedings (Case AT.39914 — Euro Interest Rate Derivatives (EIRD)), the applicants put forward two pleas in law.

1. First plea in law, alleging that the publication of information concerning the applicants relating to discussions between traders before the infringement period breaches the presumption of innocence. In that regard, the Commission is not entitled to publish a decision containing allusions to infringing conduct that the applicants cannot challenge. The contested decision thus erred in law in rejecting the requests for confidential treatment of the applicants concerning that information.
2. Second plea in law, alleging that the publication, before a ruling on the merits by the Court in Case T-113/17, *Crédit agricole et Crédit Agricole Corporate and Investment Bank v Commission*, of information alluding to infringing conduct by the applicants, which they dispute before the Court, constitutes an infringement of the presumption of innocence. The contested decision therefore erred in law in rejecting the applications for confidential treatment made by the applicants concerning that information.

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**Action brought on 12 July 2018 — McDreams Hotel v EUIPO — McDonald's International Property  
(mc dreams hotels Träumen zum kleinen Preis!)**

(Case T-428/18)

(2018/C 319/24)

*Language of the case: English*

**Parties**

*Applicant:* McDreams Hotel GmbH (Feldkirchen, Germany) (represented by: S. Schenk, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* McDonald's International Property Co. Ltd (Wilmington, Delaware, United States).

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* Application for European Union figurative mark mc dreams hotels Träumen zum kleinen Preis! — Application for registration No 1 47 35 435

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 18 April 2018 in Case R 972/2017-2.

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order the defendant to bear the applicant's costs.

### **Plea in law**

- Infringement of Art. 8(1)(b) and Art. 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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## **Action brought on 10 July 2018 — American Airlines/Commission**

**(Case T-430/18)**

(2018/C 319/25)

*Language of the case: English*

### **Parties**

*Applicant:* American Airlines, Inc. (Fort Worth, Texas, United States) (represented by: J. Poitras, Solicitor, J. Ruiz Calzado and J. Wileur, lawyers)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

- annul the Grandfathering Approval Decision (Decision C(2018) 2788 of 30 April 2018);
- order the Commission and any interveners in support of the Commission to pay the costs; and
- making any other order as may be appropriate in the circumstances of the case.

### **Pleas in law and main arguments**

The applicant submits that the European Commission committed both errors of law and manifest errors of assessment in adopting decision C(2018) 2788 of 30 April 2018 in which the Commission determined that Delta was entitled to acquire grandfathering rights over the slots made available by American Airlines under the commitments submitted in Case M.6607 (the 'Commitments').

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

1. First plea in law, alleging that the Commission committed an error of law in applying the wrong legal standard for the acquisition of grandfathering rights under the Commitments.

The applicant submits that in assessing whether Delta had made 'appropriate use' of the slots pursuant to the Commitments, the Commission decided that the only analysis to be undertaken was to verify that Delta was not in a situation of 'misuse'. The applicants further puts forward that, contrary to the Commission's position, an examination of the wording, context and objective of the Commitments leads to the conclusion that 'absence of misuse' is not relevant, and that the correct interpretation of the concept of 'appropriate use' in the Commitments would have required the Commission to verify whether the use of the slots was 'in accordance with the bid' that Delta formally submitted to receive the slots.