

Pleas in law

- Infringement of Article 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 94 of Regulation (EU) 2017/1001 of the European Parliament and of the Council and of Article 296 of the Treaty on the Functioning of the European Union;
- Infringement of Articles 8(1)(b) and 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 28 January 2019 — AH v Eurofound**(Case T-52/19)**

(2019/C 112/52)

*Language of the case: French***Parties***Applicant:* AH (represented by: N. de Montigny, lawyer)*Defendant:* European Foundation for the Improvement of Living and Working Conditions**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of 22 March 2018 of the European Foundation for the Improvement of Living and Working Conditions notified to the applicant through his legal representative by a letter from the legal representative of that agency, the law firm Beauchamps, in that it rejects the applicant's complaint alleging breach of the rules on the protection of private and personal data, his request for an investigation into that breach and his claim for compensation lodged on 2 February 2018 through his legal representative;
- Order the defendant to pay the sum of EUR 30 000 as compensation for the non-material damage suffered as a result of the data breach and the rejection of the application lodged on 2 February 2018;
- Order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the contested decision is unlawful in that it was not taken by the competent appointing authority but by an external law firm with no mandate or power to that effect.
2. Second plea in law, alleging infringement of the duty of sound administration, the duty to provide assistance and Articles 22 and 24 of the Staff Regulations of Officials of the European Union ('the Staff Regulations') on the ground that the defendant rejected the application without conducting an administrative investigation.
3. Third plea in law, alleging inter alia infringement of the duty to state reasons, the rights of the defence and, in particular, the right to a fair hearing and the duty of care.
4. Fourth plea in law alleging infringement of Article 26 of the Staff Regulations and the applicable provisions regarding the right to protection of personal data.

5. Fifth plea in law alleging conflict of interest and infringement of the duty of objectivity, impartiality and independence of public administrations.
6. Sixth plea in law alleging misuse of power.
7. Seventh plea in law alleging infringement of Article 17 of the Staff Regulations and breach of the confidentiality afforded to the trade union activities in which any worker may take part.

Action brought on 29 January 2019 — Nosio v EUIPO (BIANCOFINO)

(Case T-54/19)

(2019/C 112/53)

Language of the case: Italian

Parties

Applicant: Nosio SpA (Mezzocorona, Italy) (represented by: J. Graffer and A. Ottolini, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for EU word mark BIANCOFINO — Application for registration No 16 376 758

Contested decision: Decision of the First Board of Appeal of EUIPO of 22 November 2018 in Case R 2434/2017-1

Form of order sought

The applicant claims that the Court should:

- Annul the contested decision;
- Order EUIPO to pay the costs of the present proceedings.

Plea in law

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

Action brought on 31 January 2019 — Chypre v EUIPO — Filotas Bellas & Yios (Halloumi Vermion grill cheese M BELAS PREMIUM GREEK DAIRY SINCE 1927)

(Case T-60/19)

(2019/C 112/54)

Language of the case: English

Parties

Applicant: Republic of Cyprus (represented by: S. Malynicz, QC, V. Marsland, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Filotas Bellas & Yios AE (Alexandria Imathias, Greece)