

The applicant claims, in that regard, that the exceptions to the transparency requirement to which Article 4(3) and (1)(a), fourth indent, of Regulation (EC) No 1049/2001 refers are not applicable in the present case.

Furthermore, there was a lack of consideration and a failure to state adequate reasons, as well as an overriding public interest in the disclosure of the documents.

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<sup>(1)</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2012 L 145, p. 43).

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**Action brought on 29 July 2016 — Intercontinental Exchange Holdings v EUIPO (BRENT INDEX)**

**(Case T-430/16)**

(2016/C 371/18)

*Language of the case: English*

**Parties**

*Applicant:* Intercontinental Exchange Holdings, Inc. (Atlanta, Georgia, United States) (represented by: P. Heusler, lawyer)

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

**Details of the proceedings before EUIPO**

*Trade mark at issue:* EU word mark 'BRENT INDEX' — Application for registration No 14 284 947

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 2 June 2016 in Case R 8/2016-4

**Form of order sought**

The applicant claims that the Court should:

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

**Plea in law**

- Infringement of Articles 7(1)(b) and 7(1)(c) of Regulation No 207/2009.

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**Action brought on 1 August 2016 — VIMC v Commission**

**(Case T-431/16)**

(2016/C 371/19)

*Language of the case: German*

**Parties**

*Applicant:* VIMC — Vienna International Medical Clinic GmbH (Kulmbach, Germany) (represented by: R. Bramerdorfer, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the Commission’s Decision of 27 May 2016 (Case AT.40231 — VIMC/WK&FGB); and
- order the defendant to pay the costs of the proceedings.

**Pleas in law and main arguments**

By the present action, the applicant seeks the annulment of Commission Decision C (2016) 3351 final of 27 May 2016, by which the applicant’s complaint was rejected on the basis of Article 13 of Regulation (EC) No 1/2003.<sup>(1)</sup>

In support of the action, the applicant relies on a single plea in law, alleging an improper exercise of discretion.

In this connection, the applicant submits that the application or non-application of Article 13 of Regulation (EC) No 1/2003 is not within the Commission’s power of discretion. On the contrary, it argues, the Commission must take into account the particular circumstances of each case and cannot, on the basis of that provision and without further clarification, reject a matter already under examination by a national authority.

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<sup>(1)</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).

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**Action brought on 3 August 2016 — Pometon v Commission****(Case T-433/16)**

(2016/C 371/20)

*Language of the case: Italian***Parties**

*Applicant:* Pometon SpA (Martellago, Italy) (represented by: E. Fabrizi, V. Veneziano and A. Molinaro, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- primarily, annul the contested decision;
- in the alternative, cancel or reduce the fine imposed on Pometon;
- order the defendant to repay any sums paid by the applicant in complying with the contested decision during the proceedings and to reimburse any other costs borne by the applicant in complying with that decision;
- in any event, order the defendant to pay the applicant’s legal fees and any other costs and charges connected with the present proceedings.

**Pleas in law and main arguments**

The present action has been brought against Commission Decision C(2016) 3121 final of 25 May 2016 (Case AT.39792 — Steel Abrasives) relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union (“TFEU”) and Article 53 of the EEA Agreement (‘the contested decision’).