

- in the alternative, annul Article 4 of the contested decision, in so far as it orders recovery of the alleged aid;
- annul Article 4 of the contested decision, in so far as it makes a determination as to the lawfulness of the private contracts between the investors and other entities; and
- order the Commission to pay the costs of these proceedings.

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

The pleas in law and main arguments are those put forward in Case T-700/13 *Bankia v Commission*.

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### **Action brought on 30 January 2014 — Bateaux mouches v OHIM (BATEAUX MOUCHES)**

**(Case T-72/14)**

(2014/C 102/58)

*Language of the case: French*

#### **Parties**

*Applicant:* Compagnie des bateaux mouches SA (Paris, France) (represented by G. Barbaut, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

#### **Form of order sought**

- Declare the action admissible;
- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 November 2013 in Case R 284/2013-2;
- Vary the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 November 2013 in Case R 284/2013-2;
- Order the Court of First Instance of the European Communities to pay all the costs.

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

*Community trade mark concerned:* International registration designating the European Union of word mark 'BATEAUX MOUCHES' for services in Class 37 (No 1 092 478)

*Decision of the Examiner:* Rejection of the application

*Decision of the Board of Appeal:* Dismissal of the appeal

*Pleas in law:*

- Infringement of Article 7(1)(b) of Regulation No 207/2009
  - Incorrect finding that the disputed mark had not acquired by usage a distinctive character for the services covered
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