

Other party to the proceedings before the Board of Appeal: Flamagas, SA (Barcelona, Spain)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 11 June 2014 in Case R 2117/2011-4, finding that there is no likelihood of confusion between the marks referred to below;
- Refer the case back to OHIM so it can amend the decision on the substance of the case and register Community Trade Mark No 8 680 746 in respect of all the goods covered, without prejudice to those which are uncontested;
- Order OHIM to pay the costs of proceedings before the Opposition Division, Board of Appeal and General Court.

Pleas in law and main arguments

Applicant for a Community trade mark: Giand Srl

Community trade mark concerned: the word mark 'FLAMINAIRE' for goods in Classes 16 and 34 — Community Trade Mark application No 8 680 746

Proprietor of the mark or sign cited in the opposition proceedings: Flamagas, SA

Mark or sign cited in opposition: national and international word marks for goods in Classes 16 and 34

Decision of the Opposition Division: opposition rejected in part

Decision of the Board of Appeal: appeal dismissed

Pleas in law:

- Breach of the principle of *ne bis in idem*;
- Incorrect assessment of the likelihood of confusion;
- Incorrect assessment of the evidence.

Action brought on 8 August 2014 — Musso v Parliament

(Case T-589/14)

(2014/C 351/28)

Language of the case: French

Parties

Applicant: François Musso (Ajaccio, France) (represented by: A. Gross, lawyer)

Defendant: European Parliament

Form of order sought

- Admit the present action and declare it well founded;
- Annul the decision of 26 June 2014:
 - Principally, on the basis of the formal irregularity involving the lack of the President's signature;
 - In the alternative, on the basis of infringement of the rights of the defence in that the decision of 17 July 1996 serving as the basis of the decision of 26 June 2014 was not published;

- In the further alternative, on the basis of infringement of the adversarial principle;
- In the further alternative, on the basis of the insufficient statement of reasons of the decision of 26 June 2014;
- In the further alternative, on the basis of infringement of the reasonable time principle affecting the exercise of the rights of the defence;
- In the further alternative, on the basis of infringement of the principle of acquired right;
- Reserve to the applicant all other rights, entitlements, pleas and actions to be claimed;
- Order the defendant to pay all the costs of the instance.

Pleas in law and main arguments

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

1. First plea in law, alleging a formal irregularity in the contested decision of 26 June 2014, since it was not signed by the President of the Parliament in accordance with the internal rules of the European Parliament.
2. Second plea in law, alleging infringement of the rights of the defence of the applicant, since the decision of 17 July 1996 which served as the basis for the contested decision of 26 June 2014 was not published, in breach of Article 28 of the Rules of Procedure.
3. Third plea in law, alleging infringement of the adversarial principle.
4. Fourth plea in law, alleging an insufficient statement of reasons of the contested decision.
5. Fifth plea in law, alleging infringement of the reasonable time principle, since the Parliament waited eight years before beginning the recovery proceedings against the applicant.
6. Sixth plea in law, alleging infringement of the principle of acquired right, since the contested decision calls into question the pension rights which the applicant acquired on 3 August 1994.

Action brought on 7 August 2014 — Zuffa v OHIM (ULTIMATE FIGHTING CHAMPIONSHIP)

(Case T-590/14)

(2014/C 351/29)

Language of the case: English

Parties

Applicant: Zuffa, LLC (Las Vegas, United States) (represented by: S. Malynicz, Barrister, K. Gilbert and C. Balme, Solicitors)

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

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 May 2014 given in Case R 1425/2013-2.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'ULTIMATE FIGHTING CHAMPIONSHIP' for goods and services in Classes 9, 16, 28 and 41