

Pleas in law

- Infringement of Article 8(1)(b) in conjunction with 53(1)(a) and Article 75 of Regulation No 207/2009.

Action brought on 12 December 2014 — Portugal v Commission**(Case T-810/14)**

(2015/C 065/55)

*Language of the case: Portuguese***Parties**

Applicant: Portuguese Republic (represented by: L. Inez Fernandes, J. Arsénio de Oliveira and S. Nunes de Almeida, Agents)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Declare invalid the notice of assessment submitted by the General Secretariat of the European Commission by letter 2014D/14507 of 6 October 2014.
- Order the European Commission to pay the costs.

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 appropriation of the powers of the European Union jurisdictional area by the Commission, thereby constituting a lack of competence.
2. Second plea in law, alleging infringement of the Treaties or of any rule of law relating to their application, as the act is based on an artificial division of the effects of the judgment of the Court of Justice in Case C-292/1.
3. Third plea in law, alleging breach of *res judicata*, as the act was carried out in breach of the Treaties or of any rule of law relating to their application.
4. Fourth plea in law, alleging breach of the principles of legal certainty, the stability of legal relations and legitimate expectations, recognised by EU law.
5. Fifth plea in law, alleging breach of the principle of the prohibition against double penalties, which precludes obtaining, through a new individual legal act, what could not be obtained previously by means of annulment judgments.
6. Sixth plea in law, alleging infringement of the division of powers between the Commission and the Member States, constituting a lack of competence, in that the Commission tried to restrict the right of Member States to determine a reasonable period for a provision to come into effect.

Action brought on 16 December 2014 — Liu v OHIM — DSN Marketing (Cases for portable computers)**(Case T-813/14)**

(2015/C 065/56)

*Language in which the application was lodged: English***Parties**

Applicant: Min Liu (Guangzhou, China) (represented by: R. Bailly and S. Zhang, lawyers)

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

Other party to the proceedings before the Board of Appeal: DSN Marketing Ltd (Crawley, United Kingdom)

Details of the proceedings before OHIM

Proprietor of the design at issue: Applicant

Design at issue: Community design No 002044180-0001

Contested decision: Decision of the Third Board of Appeal of OHIM of 7 October 2014 in Case R 1864/2013-3

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs.

Pleas in law

- Infringement of Articles 7(1) and 7(2) of Regulation No 2245/2002.

Action brought on 17 December 2014 — Closet Clothing v OHIM — Closed Holding (CLOSET)

(Case T-815/14)

(2015/C 065/57)

Language in which the application was lodged: English

Parties

Applicant: Closet Clothing Co. Ltd (Barnet, United Kingdom) (represented by: M. Elmslie, Solicitor)

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

Other party to the proceedings before the Board of Appeal: Closed Holding AG (Hamburg, Germany)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community word mark 'CLOSET' — Application for registration No 10 802 891

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 6 October 2014 in Case R 423/2014-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs.