

Action brought on 22 April 2016 – Andrea Incontri v EUIPO – HigoL (ANDREA INCONTRI)**(Case T-197/16)**

(2016/C 243/41)

*Language in which the application was lodged: English***Parties***Applicant:* Andrea Incontri Srl (Milan, Italy) (represented by: A. Perani and J. Graffer, lawyers)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* HigoL, SA (Baguim do monte, Portugal)**Details of the proceedings before EUIPO***Applicant of the trade mark at issue:* Applicant*Trade mark at issue:* EU word mark 'ANDREA INCONTRI' – Application for registration No 10 985 323*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 25 February 2016 in Case R 146/2015-4**Form of order sought**

The applicant claims that the Court should:

- totally alter the contested decision;
- as a consequence, accept EUTM Application No 10 985 323 ANDREA INCONTRI in its entirety;
- order the other parties to bear the costs of the present proceedings, as well as those of the EUIPO opposition and appeal proceedings.

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 29 April 2016 — Ranocchia v ERCEA**(Case T-208/16)**

(2016/C 243/42)

*Language of the case: Italian***Parties***Applicant:* Graziano Ranocchia (Rome, Italy) (represented by: C. Intino, lawyer)*Defendant:* European Research Council Executive Agency (ERCEA) (Brussels, Belgium)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the ERCEA Redress Committee of 26 February 2016 (Ref: Ares(2016)1020667 — 29/02/2016), issued following the formal redress request submitted on 22 December 2016 vis-à-vis the Evaluation Letter of Dr José Labastida of 17 December 2015 (Ref: Ares(2015)5922529);
- annul the Evaluation Letter of Dr José Labastida of 17 December 2015 (Ref: Ares(2015)5922529) and all documents connected with those mentioned above, including the list of projects approved by the ERC-Cog-2015 SH5-Cultures and Cultural Production panel, which was made public by the ERCEA by press release of 12 February 2016;
- annul any prior, subsequent or connected measures.

Pleas in law and main arguments

In support of his action, the applicant alleges a misuse of powers, on the grounds that the evaluation is manifestly unreasonable, that there has been a distortion of the facts on which the decision not to approve the proposal is based, and that the ERCEA's rules on evaluating proposals have been infringed.

The applicant submits that the selection procedures concerned have been vitiated with regard to both the objective and subjective scope of evaluation.

As regards the first point, the applicant argues that there is a total lack of consistency between the (extremely positive) evaluations of the individual committee members and the final overall evaluation (rejection of the proposal), and that there has been an incorrect application of the evaluation criteria.

As regards the second point, the applicant focuses on what he considers to be a false representation of the acts and facts which led to the decision not to approve the proposal. He draws particular attention to the incorrect interpretation of the criterion of 'excellence' for the purposes of the evaluation.

Action brought on 5 May 2016 — Lukash v Council

(Case T-210/16)

(2016/C 243/43)

Language of the case: French

Parties

Applicant: Olena Lukash (Kiev, Ukraine) (represented by: M. Cessieux, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare Ms Olena Lukash's action to be admissible;
- annul, in so far as it concerns the applicant, Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine;
- annul, in so far as it concerns the applicant, Council Decision 2014/119/CFSP of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine;