

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the PMO's decision of 19 July 2016 setting his individual rights at the time of taking up employment at the Innovation and Networks Executive Agency (INEA), in that it refuses to award him an expatriation allowance of 16 % pursuant to Article 4 of Annex VII to the Staff Regulations and, consequently, implies that related rights, in particular annual travel expenses, are not to be granted;
- order the defendant to bear the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging failure to have regard for the discussions and negotiations relating to the period preceding the reform of the Staff Regulations of Officials and, in particular, failure to respect legitimate expectations, infringement of the principles of legitimate expectations and legal certainty of the applicant, as well as disregard for his acquired rights, by reason of a suddenly different analysis of the documentation used to determine his individual rights.
2. Second plea in law, relating to the temporary employment contract governed by Belgian law invoked by the Commission as justification for the view that the applicant established his residence in Belgium during a period of employment for a private employer. This plea in law is divided into three parts:
 - first part, alleging that the Commission misused and abused its powers by attempting to exclude any hierarchical relationship between itself and the applicant during his period of employment as an agency staff member in order to be able to deny the existence of employment with an international organisation, which would in principle have to result in the postponement of any determination as to whether the conditions required by Article 4 of Annex VII to the Staff Regulations had been satisfied;
 - second part, alleging an error in law, infringement of the Belgian statutory provisions relating to temporary employment contracts and misuse of powers by the Commission;
 - third part, alleging a manifest error of assessment, infringement of the principle of proportionality and infringement of the principle of sound administration.

Action brought on 10 May 2017 — Monster Energy v EUIPO — Bösel (MONSTER DIP)

(Case T-274/17)

(2017/C 221/51)

Language in which the application was lodged: English

Parties

Applicant: Monster Energy Company (Corona, California, United States) (represented by: P. Brownlow, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Marco Bösel (Bad Fallingbommel, Germany)

Details of the proceedings before EUIPO

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: EU figurative mark containing the word element 'MONSTER DIP' — Application for registration No 13 118 211

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 10 February 2017 in Case R 1062/2016-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- annul the decision of the Opposition Division of 19 April 2016 in opposition B 2433681;
- reject the opposed mark for all goods and services;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Articles 8(1)(b), 8(4) and 8(5) of Regulation No 207/2009.

Order of the General Court of 5 May 2017 — King.com v EUIPO — TeamLava (Animated icons)

(Case T-96/17) ⁽¹⁾

(2017/C 221/52)

Language of the case: English

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 112, 10.4.2017.
