

**Action brought on 21 June 2017 — Chypre v EUIPO — M. J. Dairies (BBQLOUMI)****(Case T-384/17)**

(2017/C 269/44)

*Language in which the application was lodged: English***Parties***Applicant:* Republic of Cyprus (represented by: S. Malynicz, QC and V. Marsland, Solicitor)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* M. J. Dairies EOOD (Sofia, Bulgaria)**Details of the proceedings before EUIPO***Applicant of the trade mark at issue:* Other party to the proceedings before the Board of Appeal*Trade mark at issue:* EU figurative mark in colour containing the word element 'BBQLOUMI' — Application for registration No 13 069 034*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 10 April 2017 in Case R 496/2016-4**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and other party to bear their own costs and pay those of the applicant.

**Plea in law**

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

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**Action brought on 28 June 2017 — Romania v Commission****(Case T-391/17)**

(2017/C 269/45)

*Language of the case: Romanian***Parties***Applicant:* Romania (represented by: R. Radu, C.-M. Florescu, E. Gane and L. Lițu, acting as Agents)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the Commission's (EU) decision of 29 March 2017 on the proposed citizens' initiative entitled 'Minority SafePack — one million signatures for diversity in Europe';
- order the Commission to pay 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 infringement of the provisions of the Treaties of the European Union relating to the competence of the Union.
  - The proposed citizens' initiative is exclusively aimed at improving the protection of the rights of persons belonging to national and linguistic minorities, and has no direct link with cultural diversity for the purposes of Article 3 TEU and Article 167 TFEU.
2. Second plea in law, alleging a failure to comply with the obligation to state reasons under the second paragraph of Article 296 TFEU.
  - The Commission confines itself to listing the proposals for measures by means of which statements of support will be collected from citizens and does not put forward any legal argument to support the conclusion that these fall within its sphere of competence.

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**Action brought on 27 June 2017 — Tengermann Warenhandels-gesellschaft v EUIPO — C & C IP (T)**  
**(Case T-401/17)**  
**(2017/C 269/46)**

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Tengermann Warenhandels-gesellschaft KG (Mülheim an der Ruhr, Germany) (represented by: H. Prange, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* C & C IP Sàrl (Luxembourg, Luxembourg)

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* EU word mark 'T' — Application for registration No 11 623 022

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 4 April 2017 in Case R 502/2015-5

**Form of order sought**

The applicant claims that the Court should:

- set aside the contested decision and amend it to the effect that the opposition is rejected in its entirety;
- order the defendant and, as the case may be, the other party to the proceedings before the Board of Appeal to pay the costs of the proceedings, including the costs of the appeal proceedings.

**Plea in law**

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