

Action brought on 27 December 2012 — Yaqub/OHIM — Turkey (ATATURK)**(Case T-580/12)**

(2013/C 79/37)

*Language in which the application was lodged: English***Parties***Applicant:* J. Yaqub (Nottingham, United Kingdom) (represented by: J. Jenkins, Solicitor)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Republic of Turkey**Form of order sought**

The applicant claims that the Court should:

— Annul the decision of the second board of appeal of the 17 September 2012.

Pleas in law and main arguments*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* The word mark 'ATATURK' for goods in classes 3, 5, 25, 29, 30 and 32 (Community trade mark 4 633 434)*Proprietor of the Community trade mark:* The applicant*Applicant for the declaration of invalidity of the Community trade mark:* Republic of Turkey*Grounds for the application for a declaration of invalidity:* The request for a declaration of invalidity was based on grounds for refusal pursuant to Article 52(1)(a) in conjunction with Articles 7(1)(b) and (f) of Council Regulation No 207/2009*Decision of the Cancellation Division:* Rejection of the application for a declaration of invalidity*Decision of the Board of Appeal:* Upheld the appeal*Pleas in law:* Infringement of the Council Regulation No 207/2009.**Action brought on 7 January 2013 — CFE-CGC France Télécom-Orange v Commission****(Case T-2/13)**

(2013/C 79/38)

*Language of the case: French***Parties***Applicant:* CFE-CGC France Télécom-Orange (Paris, France) (represented by: A.-L. Lefort des Ylouses and A.-S. Gay, lawyers)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- declare the action brought by CFE-CGC France Télécom-Orange admissible;
- rule that the decision is annulled;
- order the Commission to pay all the costs.

Pleas in law and main argumentsBy its application, the applicant is seeking the annulment of Commission Decision C(2011) 9403 final of 20 December 2011, declaring compatible with the internal market, under certain conditions, the aid implemented by the French Republic in favour of France Télécom concerning the reform of the method of financing the pensions of public-service employees working for France Télécom (State aid No C 25/2008 (ex NN 23/2008)). ⁽¹⁾

In support of the action, the applicant puts forward four pleas in law.

1. First plea in law alleging, primarily, infringement of Article 107(1) TFEU in so far as the contested decision characterises as State aid the reform of the method of financing the pensions of public-service employees working for France Télécom introduced by Law No 96-660 of 26 July 1996. The applicant submits that the Commission infringed Article 107(1) TFEU:
 - by holding that the 1996 Law could be characterised as an economic advantage;
 - by concluding that the reform was selective in nature, even though the absence of any external comparison prevents any selectivity;
 - by holding that the 1996 Law is liable to distort competition for the purposes of Article 107(1) TFEU, even though the payment of an exceptional contribution by France Télécom would have legitimately neutralised the disabling effects of the 1990 Law for France Télécom.