

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 18 June 2013 given in Case R 2112/2012-4;
- Order the defendant to pay the costs incurred by the present proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: Word mark 'YouView+' for goods and services in Classes 9, 16, 38, 41 and 42 — Community trade mark application No 10 286 061

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: Figurative mark in red and white containing verbal elements 'You View You-View.tv' for services in Classes 35, 38 and 41 — Benelux trade mark No 838 408

Decision of the Opposition Division: Rejected the opposition in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 8(1)(b) and 8(5) CTMR.

**Action brought on 10 September 2013 —
Oikonomopoulos v Commission**

(Case T-483/13)

(2013/C 344/108)

Language of the case: English

Parties

Applicant: Athanassios Oikonomopoulos (Athens, Greece) (represented by: N. Korogiannakis and I. Zarzoura, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Award damages;

- Declare that a series of OLAF's actions and measures are legally non-existent and constitute inadmissible evidence.

Pleas in law and main arguments

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

1. First plea in law, alleging misuse of powers by OLAF, as it was not entitled to conduct an investigation in the context of contractual relations between the Commission and a third party and acted *ultra vires* in the relevant investigation infringing several articles of the relevant legal framework, such as Council Regulation No 2185/96 ⁽¹⁾ and Regulation No 1073/1999 ⁽²⁾.
2. Second plea in law, alleging infringement of Regulation No 45/2001 ⁽³⁾ on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, violation of Article 8 of Regulation No 1073/1999, breach of the obligation to maintain confidentiality, violation of the right to private life, violation of the principle of sound administration, as OLAF and different DGs of the Commission acted unlawfully when processed personal data of the applicant and transmitted such personal data within the Commission, and third parties.
3. Third plea in law, alleging violation of the right of defense, as the applicant has very limited information on the facts that concern him in the context of the relevant investigation and consequently was not given the opportunity to defend himself against any eventual accusation.

⁽¹⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ 1996 L 292, p. 2)

⁽²⁾ Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (OJ 1999 L 136, p. 1)

⁽³⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ 2001 L 8, p. 1)

**Action brought on 9 September 2013 — Lumene v OHIM
(THE YOUTH EXPERTS)**

(Case T-484/13)

(2013/C 344/109)

Language of the case: English

Parties

Applicant: Lumene Oy (Espoo, Finland) (represented by: L. Laaksonen, lawyer)