

— Order the defendant to pay the costs of 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: The figurative mark containing the verbal element 'Darjeeling' for goods and services in Classes 25, 35 and 38 — Community trade mark application No 9 468 521

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

Mark or sign cited in opposition: Community collective trade mark registration No 4 325 718 of the word mark 'DARJEELING' for goods in Class 30; Community collective trade mark registration No 8 674 327 of the figurative mark containing the verbal element 'DARJEELING'

Decision of the Opposition Division: Rejected the opposition

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 29 November 2013 — Watch TV v Council

(Case T-639/13)

(2014/C 45/68)

Language of the case: French

Parties

Applicant: Watch TV (Brussels, Belgium) (represented by: F. de Visscher and M. von Kuegelgen, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul the decision of the Council of the European Union of 30 September 2013;

— order the defendant to pay the costs.

Pleas in law and main arguments

By its action, the applicant seeks annulment of the decision of the Council of the European Union not to accept its tender submitted in respect of Lot No 1 in Contract UCA 190/11 for the provision of 'audiovisual and multimedia services to the Council of the European Union/European Council' (OJ 2012/S 26-041228).

In support of its action, the applicant relies on a single plea in law, alleging infringement of Article 89(1) of the Financial Regulation⁽¹⁾ and of Articles 131(5), 135(2) and 146(3) of the Regulation implementing the Financial Regulation,⁽²⁾ in view of the fact that the Council awarded the contract to a tenderer whose tender allegedly does not meet the obligatory minimum requirements relating to the suitability of candidates, as set out in the technical specifications. The applicant claims that the Council ought, therefore, to have automatically rejected the tender which it accepted.

⁽¹⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 248, p. 1).

⁽²⁾ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 357, p. 1).

Action brought on 3 December 2013 — Rogesa v Commission

(Case T-643/13)

(2014/C 45/69)

Language of the case: German

Parties

Applicant: Rogesa Roheisengesellschaft Saar mbH (Dillingen, Germany) (represented by: S. Altenschmidt and P. Schütter, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the Commission's decision of 25 September 2013 (Ref GestDem No 2013/1504), and

— order the Commission to pay the costs.