

— The request for internal review of the omission of the Commission to set a complete ban on clothianidin, thiamethoxam and imidacloprid.

— Order the defendant to pay all the costs of the proceedings.

### Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging that by adopting the contested measure the Commission acted in breach of Article 9(3) of the United Nations Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters of 25 June 1998 (the Aarhus Convention). The provisions applied by the Commission, Article 10 in conjunction with Article 2(1)(g) and (h) of the Aarhus Regulation<sup>(1)</sup>, are incompatible with Article 9(3) of the Aarhus Convention. The illegality of these provisions in the Aarhus Regulation should have led the Commission to not applying the criteria referred to in the contested decision and to declare the requests for internal review admissible.
2. Second plea in law, alleging that by adopting the contested measure the Commission acted in breach of its obligation to act as Convention compliant as possible. The Commission should have interpreted Article 10 of the Aarhus Regulation and in particular the words 'administrative act' and 'administrative omission' in that provision in conformity with Article 9(3) of the Aarhus Convention and should have left aside the illegal definitions laid down in Article 2(1)(g) and (h) of the Aarhus Regulation. The Commission thus acted in breach of Article 10 of the Aarhus Regulation and the obligation to act in a Convention compliant way.

<sup>(1)</sup> Regulation (EC) no 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ 2006 L 264, p. 13)

**Action brought on 23 December 2013 — Copernicus-Trademarks v OHIM — Bolloré (BLUECO)**

**(Case T-684/13)**

(2014/C 52/78)

*Language in which the application was lodged: German*

### Parties

*Applicant:* Copernicus-Trademarks Ltd (Borehamwood, United Kingdom) (represented by: L. Pechan and S. Körber, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

*Other party to the proceedings before the Board of Appeal:* Bolloré SA (Érgue Gaberic, France)

### Form of order sought

The applicant claims that the Court should:

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 8 October 2013 in Case R 2029/2012-1 and alter it to the effect that the appeal is well founded and the opposition is therefore to be rejected in its entirety;
- Order OHIM and Bolloré SA, should the latter intervene in these proceedings, to pay the costs including those incurred in the course of the appeal proceedings.

### Pleas in law and main arguments

*Applicant for a Community trade mark:* the applicant

*Community trade mark concerned:* the word mark 'BLUECO' for goods in Class 12 — Community trade mark application No 9 724 675

*Proprietor of the mark or sign cited in the opposition proceedings:* Bolloré SA

*Mark or sign cited in opposition:* the word mark 'BLUECAR' for goods in Class 12 — Community trade mark No 4 597 621

*Decision of the Opposition Division:* the opposition was upheld

*Decision of the Board of Appeal:* the appeal was dismissed

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation No 207/2009

**Action brought on 23 December 2013 — Copernicus-Trademarks v OHIM — Blue Coat Systems (BLUECO)**

**(Case T-685/13)**

(2014/C 52/79)

*Language in which the application was lodged: German*

### Parties

*Applicant:* Copernicus-Trademarks Ltd (Borehamwood, United Kingdom) (represented by: L. Pechan and S. Körber, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)