

Parties

Applicant(s): The Directv Group, Inc. (El Segundo, United States) (represented by: F. Valentin, lawyer)

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 Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 25 October 2013 given in Case R 1960/2012-2.

Pleas in law and main arguments

Registered Community trade mark in respect of which an application for revocation has been made: The figurative mark containing the verbal element 'DIRECTV' for goods and services in Classes 9, 38 and 41 — Community trade mark registration No 100 750

Proprietor of the Community trade mark: The applicant

Party applying for revocation of the Community trade mark: The other party to the proceedings before the Board of Appeal

Decision of the Cancellation Division: Partially revoked CTM registration

Decision of the Board of Appeal: Annulled the contested decision and revoked CTM registration in its entirety

Pleas in law: Infringement of Article 51(1)(a) CTMR.

**Appeal brought on 2 January 2014 by BQ against the judgment of the Civil Service Tribunal of
23 October 2013 in Case F-39/12, BQ v Court of Auditors**

(Case T-7/14 P)

(2014/C 112/53)

Language of the case: French

Parties

Appellant: BQ (Bereldange, Luxembourg) (represented by D. de Abreu Caldas and J.-N. Louis, lawyers)

Other party to the proceedings: the Court of Auditors of the European Union

Form of order sought by the appellant

The appellant claims that the Court should:

- Set aside the judgment of the Civil Service Tribunal (Third Chamber) delivered on 23 October 2013 in Case F-39/12 (BQ v Court of Auditors);
- Order the Court of Auditors to pay the costs

Pleas in law and main arguments

In support of the appeal, the appellant relies on four pleas in law.

1. First plea in law, alleging error in law as to the requirements for the liability of the European Union to be incurred when implementing Article 24 of the Staff Regulations of Officials of the European Union, in that the CST required that the incident incompatible with the order and tranquillity of the service have an impact on the operation of the service and the health of the protagonists, though that requirement is not provided for either by the Staff Regulations or by case-law. The appellant further argues that the CST distorted the facts in holding, first, that the Court of Auditors took all necessary measures to restore the proper functioning of the service and, secondly, that the disruption to the service had no impact on the health of the protagonists, though the Court of Auditors did not act sufficiently quickly and decisively to end the situation of conflict which caused the appellant's permanent total disability (paragraphs 67 and 68 of the judgment under appeal).
2. Second plea in law, alleging an error of law in the judicial review of legality conducted by the CST when it stated that the medical assessments setting out the existence of mental disorders resulting from psychological harassment to which the appellant was subject whilst at work do not make it possible to establish that the appellant was indeed the victim of harassment. The appellant claims that the Tribunal is not competent to question medical assessments and draw inferences to the contrary (paragraphs 69 and 70 of the judgment under appeal).
3. Third plea in law, alleging infringement of the principle of proportionality resulting from the CST assessing in the amount of EUR 2 000 the damage resulting from the delay of more than two years in providing the appellant with the investigation report, without providing the appellant with a statement of reasons allowing him to understand the criteria which led to the determination of that amount. The appellant submits that the CST did not take account of the context in which the damage occurred.
4. Fourth plea in law, alleging an error of law in the allocation of costs.

Action brought on 8 January 2014 — U4U and Others v Parliament and Council

(Case T-17/14)

(2014/C 112/54)

Language of the case: French

Parties

Applicant: Union pour l'Unité (U4U) (Brussels, Belgium); Unité & Solidarité — Hors Union (USHU) (Brussels); Regroupement Syndical (RS) (Saint-Josse-ten-Noode, Belgium); and Georges Vlandas (Brussels) (represented by: F. Krenc, lawyer)

Defendant: Council of the European Union and European Parliament

Form of order sought

The parties claim that the Court should:

- declare the present action admissible and well founded;
- accordingly, annul Regulation No 10223/2013 of the European Parliament and of the Council of 22 October 2013, amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union in so far as it:
 - (1) amends Annex X to the Staff Regulations (Art.1, No 70);
 - (2) amends Article 45 of the Staff Regulations and Annex 1 thereto, and adds Section 5 to Annex XIII (Art. 1, No 27, No 61 and No 73(k)).

Pleas in law and main arguments

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