

**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 that the Institutions have committed a manifest error in the appreciation of the facts by concluding that there was a distortion of the prices of soya beans and soybean oil justifying the application of the second paragraph of Article 2(5) of the Basic Anti-dumping Regulation <sup>(1)</sup>.
2. Second plea in law, alleging that the second paragraph of Article 2(5) of the Basic Antidumping Regulation, as construed by the Institutions in the present case, may not be applied to imports from a WTO member as it is inconsistent with the WTO Anti-dumping Agreement.
3. Third plea in law, alleging that the injury assessment fails to take into consideration factors that break the causal link between the alleged injury and the allegedly dumped imports in violation of Article 3(7) of the Basic-Anti-dumping Regulation.

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<sup>(1)</sup> Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ 2009 L 343, p. 51)

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**Action brought on 17 February 2014 — BSH Bosch und Siemens Hausgeräte v OHIM — Arçelik (AquaPerfect)**

**(Case T-123/14)**

(2014/C 129/41)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* BSH Bosch und Siemens Hausgeräte GmbH (Munich, Germany) (represented by: S. Biagosch, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Arçelik AS (Istanbul, Turkey)

**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 9 December 2013 given in Case R 314/2013-4;
- Order the defendant to pay the costs of proceedings.

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

*Community trade mark concerned:* The word mark 'AquaPerfect' for the goods in Class 7 — Community trade mark application No 10 330 454

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

*Mark or sign cited in opposition:* Community registration No 9 444 118 of the word mark 'waterPerfect' for goods in Class 7

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

*Decision of the Board of Appeal:* Annulled the contested decision and rejected the opposition

*Pleas in law:* Infringement of Article 8(1)(b) CTMR.

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