

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 29 January 2014 in Case R 253/2013-1 in so far as the First Board of Appeal annuls the decision of the Opposition Division and upholds the opposition against the application mark rejecting the application No 009 877 325 in regard of the goods in classes 18 and 25;
- Dismiss the opposition against Application No 009 877 325 in its entirety;
- Order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'Trecolare' for goods and services in Classes 18, 25 and 35 — Community trade mark application No 9 877 325

Proprietor of the mark or sign cited in the opposition proceedings: Aeronautica Militare — Stato Maggiore

Mark or sign cited in opposition: The community and national word and figurative mark 'FRECCE TRICOLORI', for goods and services in Classes 9, 14, 16, 18, 20, 25, 28 and 41

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

Decision of the Board of Appeal: Annulled the contested decision in part

Pleas in law: Infringement of articles 8(1)(b) and 8(5) of Regulation No 207/2009

Action brought on 14 April 2014 — CBM Creative Brands Marken v OHIM — Aeronautica Militare — Stato Maggiore (TRECLORE)

(Case T-228/14)

(2014/C 245/25)

Language in which the application was lodged: English

Parties

Applicant: CBM Creative Brands Marken GmbH (Zürich, Switzerland) (represented by: U. Lüken, M. Grundmann and N. Kerger, lawyers)

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

Other party to the proceedings before the Board of Appeal: Aeronautica Militare — Stato Maggiore (Rome, Italy)

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 29 January 2014 in Case R 594/2013-1 in so far as the First Board of Appeal upheld the decision of the opposition division rejecting the Application No 009 877 391 in regard of the goods in classes 18 and 25 and in regard of the services 'Retail services, including via websites and teleshopping, in relation to clothing, footwear, headgear, sunglasses, precious metals and their alloys and goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, leather and imitations of leather, and goods made of these materials, animal skins, hides, trunks and travelling bags, bags, handbags, wallets, purses, key cases, rucksacks, pouches, umbrellas, parasols and walking sticks, whips, harness and saddlery' of class 35;

- Dismiss the opposition against Application No 009 877 391 in its entirety;
- Order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The figurative mark containing the word element 'TRECLORE' for goods and services in Classes 18, 25 and 35 — Community trade mark application No 9 877 391

Proprietor of the mark or sign cited in the opposition proceedings: Aeronautica Militare — Stato Maggiore

Mark or sign cited in opposition: The community and national word and figurative mark 'FRECCE TRICOLORI', for goods and services in Classes 9, 14, 16, 18, 20, 25, 28 and 41

Decision of the Opposition Division: Partially rejected the opposition.

Decision of the Board of Appeal: Dismissed the appeal.

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

Action brought on 28 April 2014 — Argus Security Projects v Commission

(Case T-266/14)

(2014/C 245/26)

Language of the case: French

Parties

Applicant: Argus Security Projects Ltd (Limassol, Cyprus) (represented by: T. Bontinck and E. van Nuffel d'Heynsbroeck, lawyers)

Defendant: European Commission

Form of order sought

- Annulment of the decision of the EUBAM Libya not to accept the tender submitted by Argus in the a call for tender negotiated procedure concerning the supply of security services as part of the European Union Integrated Border Management Assistance Mission in Libya (contract EUBAM-13-020), and the decision to award the contract to Garda;
- Order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on 3 pleas in law.

1. First plea in law, alleging an infringement of Article 110 of the Financial Regulation ⁽¹⁾, of the rules laid down in the specifications for the award of the contract, in particular points 4.1 and 12.1 of the instructions to tenderers, and of the principles of equal treatment of tenderers and non-discrimination, in so far as the EUBAM did not check the abilities of the successful tenderer to perform the contract in accordance with the requirements of the contract or failed to exercise its discretion as regards the expected technical qualities of the successful tender with the minimum rigour reasonably to be expected.

The applicant submits that the serious failings by the successful tenderer and its inability to carry out the contract awarded to it show that the tender was unrealistic and ought not to have been accepted by the adjudicating authority.