

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Repsol YPF, SA (Madrid, Spain) (represented by: J.-B. Devaureix, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 31 March 2011 (Case R 1440/2010-1), concerning opposition proceedings between Repsol YPF SA and Basic AG Lebensmittelhandel.

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*
- 2) *Orders Basic AG Lebensmittelhandel to pay the costs.*

⁽¹⁾ OJ C 269, 10.9.2011.

Judgment of the General Court of 26 June 2014 — Fundação Calouste Gulbenkian v OHIM — Gulbenkian (GULBENKIAN)

(Case T-541/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark GULBENKIAN — Earlier well-known national mark, company name and national logos Fundação Calouste Gulbenkian — Relative grounds for refusal — Evidence of the existence of the earlier rights — Article 8(1)(b), (4) and (5) of Regulation (EC) No 207/2009 — Article 90(a) of the Rules of Procedure)

(2014/C 261/45)

Language of the case: English

Parties

Applicant: Fundação Calouste Gulbenkian (Lisbon, Portugal) (represented by: G. Marín Raigal, P. López Ronda and G. Macias Bonilla, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Melgar, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Micael Gulbenkian (Oeiras, Portugal) (represented by: J. Pimenta and A. Sebastião, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 15 July 2011 (Case R 1436/2010-2) relating to opposition proceedings between Fundação Calouste Gulbenkian and Mr Micael Gulbenkian.

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*

- 2) Orders *Fundação Calouste Gulbenkian* to pay the costs;
- 3) Orders Mr Micael Gulbenkian to refund to the Court of Justice of the European Union the sum of EUR 1 807,48 in accordance with Article 90(a) of the Rules of Procedure of the General Court.

⁽¹⁾ OJ C 362, 10.12.2011.

Action brought on 29 April 2014 — Borde and Carbonium v Commission

(Case T-314/14)

(2014/C 261/46)

Language of the case: English

Parties

Applicants: Alexandre Borde (Paris, France) and Carbonium (Paris) (represented by: A. Herzberg, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul respondent's decisions dated 19 and 20 February 2014 to terminate applicant No 1's assignment in relation to the global GCCA and the Intra-ACP GCCA evaluation programmes;
- order respondent to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of essential procedural requirements, including the applicants' right to be heard and the obligation to give reasons for decisions.
2. Second plea in law, alleging infringement of the Treaty on European Union, the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms, the defendant having violated the applicants' rights to be treated in a fair, equitable and non-arbitrary manner and the applicants' right to protection of their reputation.
3. Third plea in law, alleging that the attacked decisions constitute a misuse of the defendant's powers.

Action brought on 7 May 2014 — Klement/OHIM — Bullerjan (Form of an oven)

(Case T-317/14)

(2014/C 261/47)

Language in which the application was lodged: English

Parties

Applicant: Toni Klement (Dippoldiswalde, Germany) (represented by: J. Weiser, lawyer)

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

Other party to the proceedings before the Board of Appeal: Bullerjan GmbH (Isernhagen-Kirchhorst, Germany)