

Pleas in law and main arguments

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

1. First plea in law, alleging that the Validation Panel's conclusion that the applicant would not qualify as a micro, small and medium-sized enterprise is based on a manifestly wrong reading of Article 3(4) of the Annex to Commission Recommendation 2003/361/EC.
2. Second plea in law, alleging that by concluding that the applicant would not qualify as a micro, small and medium-sized enterprise and by leaving the door open for the Commission to re-claim the FP7 grants that were awarded to the applicant in the past, the Validation Panel breached the fundamental principles of European law of: (i) sound administration; (ii) legal certainty; and (iii) the protection of the applicant's legitimate expectations.
3. Third plea in law, alleging that the Validation Panel infringed the applicant's rights of defence and breached the principle of sound administration in that it failed to give the applicant the opportunity to effectively make its views known.
4. Fourth plea in law, alleging that the Validation Panel failed to comply with its duty to duly motivate its decision.

Action brought on 28 July 2014 — Ahmed Mohamed Saleh Baeshen v OHIM**(Case T-564/14)**

(2014/C 380/20)

*Language of the case: English***Parties**

Applicant: Ahmed Mohamed Saleh Baeshen & Co. (Jeddah, Saudi Arabia) (represented by: M. Vanhegan, Barrister)

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

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 19 May 2014 given in Case R 687/2014-2;
- Order the defendant to bear the costs of proceedings.

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Registered Community trade mark in respect of which an application for revocation has been made: The word mark 'TEAVANA' for services in Class 35 — Community trade mark No 4 098 588

Proprietor of the Community trade mark: The other party to the proceedings before the Board of Appeal, Teavana Corporation

Party applying for revocation of the Community trade mark: The applicant

Decision of the Cancellation Division: Revoked the CTM proprietor's right in respect of Community trade mark No 4 098 588 in its entirety

Decision of the Board of Appeal: Rejected the appeal as inadmissible

Pleas in law: Infringement of Articles 51(1)(a), 59 and 75 CTMR.
