

The applicant states in this respect that all of those projects were completed and certified by the national authorising officers, and that the corresponding invoices were paid and approved by the bodies of the European Commission, which finances the projects. Nevertheless, entirely unexpectedly, invoices started to be paid only in part. The defendant even applied, again according to the applicant, an arbitrary penalty for the benefit of the European Development Fund, without any specific objection being raised. In particular, the European Commission also intended arbitrarily to use credits claimed by Techniplan in order to offset alleged unspecified debts.

The defendant sent a formal letter of notice on the basis of Article 265 TFEU in which it called on the European Commission to adopt a measure or take an official position on its request for payment and the real nature of the penalties applied.

In support of its action, the applicant claims that the competent bodies of the European Commission acted in contravention of the principles of legal certainty and transparency. This situation, Techniplan submits, severely damaged its subjective rights, even though it has a legitimate expectation to know with certainty, at all times and in every situation, what are its EU-law rights and obligations.

Action brought on 5 December 2016 — Rare Hospitality International v EUIPO (LONGHORN STEAKHOUSE)

(Case T-856/16)

(2017/C 022/79)

Language of the case: English

Parties

Applicant: Rare Hospitality International, Inc. (Orlando, Florida, United States) (represented by: I. Lázaro Betancor, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'LONGHORN STEAKHOUSE' — Application for registration No 13 948 682

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 12 September 2016 in Case R 2149/2015-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009;
 - Infringement of principle of equal treatment and sound administration.
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