

Other party to the proceedings before the Board of Appeal: Miguel Ángel López Fernández (Fuensalida, Spain)

Details of the proceedings before EUIPO

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: European Union figurative mark containing the word element 'Dayaday' — Application for registration No 13 243 563

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 6 November 2016 in Case R 375/2016-2

Form of order sought

The applicant claims that the Court should:

- annul the Decision of the Second Board of Appeal adopted on 6 October 2016 in Case R 375/2016-2 dismissing in part the appeal against the decision of the Opposition Division of EUIPO No B 2 469 545 of 17 December 2015;
- dismiss the application for registration of the EU trademark No 13 243 563 filed by the other party to the proceedings before the Board of Appeal for all the goods in Class 9 and the portion of the goods in Classes 16 and 24 in respect of which the Second Board of Appeal has dismissed the appeal;
- in the alternative, partially annul the contested decision, pursuant to Article 8(5) (EUTMR), in so far as it confirms the dismissal of the opposition and the appeal in respect of the goods in Classes 9, 16 and 24 and refer the matter back to the Board of Appeal for review in its entirety in respect of the relative ground referred to in the abovementioned article;
- order EUIPO to pay the costs, including the costs incurred by the applicant in the proceedings before the Board of Appeal of EUIPO.

Pleas in law

- Infringement of Article 8(1)(b) and (5) of Regulation No 207/2009.

Action brought on 6 January 2017 — RK v Council

(Case T-11/17)

(2017/C 095/22)

Language of the case: French

Parties

Applicant: RK (represented by: L. Levi and A. Tymen, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the present action admissible and well founded;

as a result,

- annul the undated decision of the Council, adopted on the basis of Article 42c of the Staff Regulations of Officials of the European Union;

- so far as necessary, annul the decision of 27 September 2016 rejecting the applicant's complaint of 29 April 2016;
- order the defendant to pay compensation in respect of the material harm suffered by the applicant;
- order the defendant to pay damages by way of compensation for the non-material harm suffered by the applicant;
- order the defendant to pay all the costs.

Pleas in law and main arguments

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

1. First plea in law, based on an objection of illegality directed against Article 42c of the Staff Regulations, infringement of Articles 20 and 21 of the Charter of Fundamental Rights of the European Union, infringement of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16) and infringement of Article 1d of the Staff Regulations.
2. Second plea in law, alleging infringement of Article 42c of the Staff Regulations, as implemented by the Staff Note No 71/15 of the Council, and factual and legal inaccuracies and irregularities vitiating the contested decisions;
3. Third plea in law, alleging infringement of the right to be heard, and infringement of the rights of the defence.
4. Fourth plea in law, alleging infringement of the duty to have regard for the interests of officials, and infringement of the principle of sound administration.

Action brought on 13 January 2017 — RL v Court of Justice of the European Union

(Case T-21/17)

(2017/C 095/23)

Language of the case: French

Parties

Applicant: RL (represented by: C. Bernard-Glanz and A. Tymen, lawyers)

Defendant: Court of Justice of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the present application admissible;
- annul the decision adopted on 11 May 2016 by the Registrar of the Court of Justice, the contents of which were communicated to the applicant by letter of 20 May 2016, not to promote the applicant to Grade AD 10 as of 1 July 2015 and, so far as necessary, annul the decision adopted on 6 October 2016 by the Complaints Committee rejecting the complaint brought by the applicant dated 22 July 2016;
- order the defendant to pay compensation in respect of the material harm suffered by the applicant;
- order the defendant to pay all the costs.