

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Red Bull GmbH (Fuschl am See, Austria) (represented by: A. Renck, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 29 July 2016 (Case R 282/2015-5), relating to cancellation proceedings between Red Bull and Asolo.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*
2. *The European Union Intellectual Property Office (EUIPO) shall bear its own costs and pay those incurred by Asolo LTD and Red Bull GmbH.*

⁽¹⁾ OJ C 462, 12.12.2016.

Action brought on 22 January 2017 — Selimovic v Parliament

(Case T-61/17)

(2017/C 121/52)

Language of the case: Swedish

Parties

Applicant: Jasenko Selimovic (Hägersten, Sweden) (represented by: B. Leidhammar, lawyer)

Defendant: European Parliament

Form of order sought

- Annul the President's decisions of 22 November 2016, D 203109 and D 203110 ('the President's decisions');
- Annul the decision of the Bureau of the European Parliament of 22 December 2016, PE 595.204/BUR/DEC ('the Bureau's decision');
- Rule urgently in the case;
- Order the European Parliament to pay the applicant compensation in a sum to be specified at a later date.

Pleas in law and main arguments

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

1. First plea in law: the applicant alleges that he did not commit the offences of which he has been accused, namely psychological harassment under Article 12a of the Staff Regulations.
2. Second plea in law: the applicant alleges that the decisions were adopted in a procedure which runs counter to the general principles of legal certainty and the right to a fair hearing as expressed in Article 6 of the ECHR, due, inter alia, to the following: the assessment, evaluation of the evidence and decision were all made by the same party (that is to say, in the context of an inquisitorial system). The decisions were made without being based on a specified description of the offences. The applicant submits that he has been deprived of the possibility of knowing the precise accusations against him and was not given an opportunity to counter the substantive accusations. The applicant has not been allowed, either in person or through a representative, to put questions to those who have accused him or to the secret witnesses who came forward. He has not had sufficient time for preparation. The European Parliament has not taken a position on the applicant's arguments and evidence and has failed to demonstrate any infringement of the Staff Regulations.

3. Third plea in law: the applicant alleges that the Bureau's decision to reject the applicant's request to examine the substance of the President's decisions has been made without any basis in law.
4. Fourth plea in law: the applicant alleges that secret proceedings under an inquisitorial procedure in which it is not possible for a parliamentarian to learn of or at least to counter sweeping allegations of harassment is a threat to democracy. That is particularly so in the light of the harm an adverse decision causes to the ability to bring representative political influence to bear.
5. Fifth plea in law: the applicant claims that the question should be decided as a matter of urgency since the applicant has specific and practical difficulties in carrying out his political work and building support in Sweden in the fields in which he is called upon to act in Parliament. A timely remedy would radically alter the situation and give the applicant the time and opportunity to carry out his political work and commence constituency work before the next mandate.
6. Sixth plea in law: the applicant alleges that the European Parliament has acted deliberately or in any event negligently by failing to halt the proceedings when the advisory committee could not discern a single charge that was sufficiently specific (where, when, how) to serve as the basis for acceptance/repudiation or the possibility of showing proof or rebuttal and furthermore it adopted an adverse decision in full awareness of the clear legal uncertainties underlying it. That has harmed the applicant. The harm consists in costs, suffering and the difficulty in which he has been placed in his future political work as a result of the decision. The applicant will specify a reasonable amount at a later date.

Action brought on 6 February 2017 — Danjaq v EUIPO — Formosan (Shaken, not stirred)

(Case T-74/17)

(2017/C 121/53)

Language in which the application was lodged: English

Parties

Applicant: Danjaq, LLC (Los Angeles, California, United States) (represented by: S. Baran and G. Messenger, barristers, D. Stone and A. Dykes, solicitors)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Formosan IP (Oxford, United Kingdom)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: EU word mark 'Shaken, not stirred' — Application for registration No 13 406 343

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of in Case R 255/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the intervener bear their own costs and pay those of the applicant.

Plea in law

- Infringement of Article 8(4) of Regulation No 207/2009.
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