

2. *Orders Jet Air Services France (JAS) to bear its own costs and to pay those incurred by the European Commission.*

(¹) OJ C 25, 28.1.2012.

Judgment of the General Court of 5 December 2013 — Olive Line International v OHIM — Carapelli Firenze (Maestro de Oliva)

(Case T-4/12) (¹)

(Community trade mark — Opposition procedure — International registration designating the European Community — Figurative mark Maestro de Oliva — Earlier national word mark MAESTRO — Genuine use of the earlier mark — Likelihood of confusion — Articles 8(1)(b) and 15(1)(a) of Regulation (EC) No 207/2009)

(2014/C 24/34)

Language of the case: Spanish

Parties

Applicant: Olive Line International, SL (Madrid, Spain) (represented by: M. Aznar Alonso, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Carapelli Firenze SpA (Tavarnelle Val di Pesa, Italy)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 21 September 2011 (Case R 1612/2010-2), concerning an opposition procedure between Carapelli Firenze SpA and Olive Line International, SL.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Olive Line International, SL to pay the costs.*

(¹) OJ C 89, 24.3.2012.

Judgment of the General Court of 6 December 2013 — Premiere Polish v OHIM — Donau Kanol (ECOFORCE)

(Case T-361/12) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark ECOFORCE — Earlier Community figurative mark ECO FORTE — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2014/C 24/35)

Language of the case: English

Parties

Applicant: Premiere Polish Co. Ltd (Cheltenham, United Kingdom) (represented by: C. Jones and M. Carter, Solicitors)

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

Other party to the proceedings before the Board of Appeal of OHIM: Donau Kanol GmbH & Co. KG (Ried im Traunkreis, Austria)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 8 June 2012 (Case R 851/2011-4), relating to opposition proceedings between Donau Kanol GmbH & Co. KG and Premiere Polish Co. Ltd.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Premiere Polish Co. Ltd to pay the costs.*

(¹) OJ C 319, 20.10.2012.

Judgment of the General Court of 6 December 2013 — Banco Bilbao Vizcaya Argentaria v OHIM (VALORES DE FUTURO)

(Case T-428/12) (¹)

(Community trade mark — Application for community word mark VALORES DE FUTURO — Absolute ground for refusal — Lack of distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)

(2014/C 24/36)

Language of the case: Spanish

Parties

Applicant: Banco Bilbao Vizcaya Argentaria, SA (Bilbao, Spain) (represented by: J. de Oliveira Vaz Miranda Sousa and N. González-Alberto Rodríguez, lawyers)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 4 July 2012 (Case R 2299/2011-2), concerning an application for registration of the word sign VALORES DE FUTURO as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Banco Bilbao Vizcaya Argentaria, SA to pay the costs.

(¹) OJ C 366, 24.11.2012.

Order of the President of the General Court of 27 November 2013 — Oikonomopoulos v Commission

(Case T-483/13 R)

(Interim relief — Investigation conducted by OLAF — Action for damages — Financial and non-material damage allegedly suffered by the applicant — Application for interim measures — Inadmissibility — Lack of urgency)

(2014/C 24/37)

Language of the case: English

Parties

Applicant: Athanassios Oikonomopoulos (Athens, Greece) (represented by: N. Korogiannakis and I. Zarzoura, lawyers)

Defendant: European Commission (represented by: J. Baquero Cruz and A. Sauka, acting as Agents)

Re:

Application for interim measures lodged as part of an action for damages seeking compensation for the damage the applicant suffered in the course of his professional activities and regarding his reputation resulting from allegedly unlawful conduct of the European Anti-Fraud Office (OLAF) as part of an investigation conducted by its agents.

Operative part of the order

1. The application for interim measures is dismissed.
2. Costs are reserved.

Action brought on 27 September 2013 — Izsák and Dabis v European Commission

(Case T-529/13)

(2014/C 24/38)

Language of the case: Hungarian

Parties

Applicants: Balázs-Árpád Izsák (Marosvásárhely, Romania) and Attila Dabis (Budapest, Hungary) (represented by: Dr J. Petneházy Tordáné, lawyer)

Defendant: European Commission

Form of order sought

— Annul Commission Decision C(2013) 4975 of 25 July 2013 rejecting the application for registration of the European citizens' initiative entitled 'Cohesion policy for the equality of the regions and the preservation of regional cultures'.

— Order the Commission to register the initiative and adopt any other measure required by law.

— Order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on the following plea(s) in law.

1. First plea in law, alleging the infringement of Article 4(2) of Regulation (EU) No 211/2011 (¹)

— By the first plea the applicants state that their citizens' initiative fulfils all the requirements for registration. Furthermore, they reject as unfounded the Commission's allegation that the proposed citizens' initiative manifestly falls outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties. According to the applicants, the initiative put forward a proposal which fell within the powers defined by Article 4(2)(c) TFEU (economic, social and territorial cohesion).

2. Second plea in law, alleging infringement of the third paragraph of Article 174 TFEU

— Under this plea, the applicants allege that, contrary to the Commission's contention, the list in the third paragraph of Article 174 TFEU of disadvantages by virtue of which particular attention is to be paid to a region is not exhaustive but given by way of example.