

**Pleas in law and main arguments**

In support of the action the applicants put forward four pleas in law.

1. By the first plea for annulment the applicants maintain that the contested decision is null and void, since the decision exceeds the powers conferred by the Treaty on European Union on not only the European Central Bank but also the European Commission, that is to say, it is an act which was *ultra vires* of those two institutions.
2. By the second plea for annulment, the applicants maintain that the contested decision is in breach of the right to respect for property, which is protected by Article 1 of the First Protocol to the European Convention for the Protection of Human Rights and Article 14 of the European Convention for the Protection of Human Rights, as confirmed by the Charter of Fundamental Rights of the European Union.
3. By the third plea for annulment, the applicants maintain that the contested decision is manifestly unfounded and lacking any legal basis and is contrary to the principle of proportionality.
4. By the fourth plea for annulment, the applicants maintain that the contested decision is also contrary to the generally recognised legal principles which have been disseminated in European Union law and in particular to the principle that no-one may rely on his own failures to obtain an advantage and/or to justify wrongful and/or unlawful conduct.

**Action brought on 17 June 2013 — Westermann Lernspielverlag/OHIM — Diset (bambinoLÜK)**

(Case T-333/13)

(2013/C 252/60)

*Language in which the application was lodged: English***Parties**

*Applicant:* Westermann Lernspielverlag GmbH (Braunschweig, Germany) (represented by: A. Nordemann, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Diset, SA (Barcelona, Spain)

**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) [OHIM] of 3 April 2013, Case R 1323/2012-2, relating to the opposition proceedings No. B 1 724 593 [Community trade mark application 009080359] between DISET, S.A. and Westermann Lernspielverlag GmbH;
- Order the Defendant to bear the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The figurative mark 'bambinoLÜK', for goods in classes 9, 16 and 28 — Community trade mark application No 9 080 359

*Proprietor of the mark or sign cited in the opposition proceedings:* The other party to the proceedings before the Board of Appeal

*Mark or sign cited in opposition:* Community trade mark of the figurative mark 'BAMBINO' for goods in classes 16, 28 and 41

*Decision of the Opposition Division:* Partly upheld the opposition

*Decision of the Board of Appeal:* Partly upheld the appeal and allows the CTM application to proceed for certain goods of class 9

*Pleas in law:* Infringement of Articles 8(1)(b) Council Regulation No 207/2009.

**Action brought on 24 June 2013 — Borghezio v Parliament**

(Case T-336/13)

(2013/C 252/61)

*Language of the case: French***Parties**

*Applicant:* Mario Borghezio (Turin, Italy) (represented by: H. Laquay, lawyer)

*Defendant:* European Parliament

**Form of order sought**

The applicant claims that the General Court should:

- declare the application admissible and founded and, consequently, annul the decision of the European Parliament taken in the form of a declaration of its President at the plenary session of 10 June 2013, according to which, as from 3 June 2013, the applicant is to be regarded as a 'non-attached' member and is thus excluded from the political group 'Europe of Freedom and Democracy' as from that date;
- determine the costs in accordance with the law.

**Pleas in law and main arguments**

In support of his action, the applicant relies — in addition to the fact that the decision declaring him to be a non-attached member produces legal effects since it prevents him from carry out his parliamentary mandate in the same conditions as the members of Parliament who are affiliated to a political group — on two pleas in law relating to the substance of the case. The