

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The word mark 'PRANAYUR' for goods in classes 5 and 30 — Community trade mark application No 7 170 095

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: The word mark 'AYUR' and figurative marks containing the word element 'Ayur'

Decision of the Opposition Division: Rejected the opposition

Decision of the Board of Appeal: Dismissed the appeal

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

Action brought on 20 October 2013 — Šumelj and Others v European Union

(Case T-546/13)

(2013/C 367/60)

Language of the case: Croatian

Parties

Applicants: Ante Šumelj (Zagreb, Croatia), Dubravka Bašljan (Zagreb), Đurđica Crnčević (Sv. Ivan Zelina, Croatia), Miroslav Lovreković (Križevci, Croatia) (represented by: Mato Krmek, lawyer)

Defendant: European Union

Form of order sought

The applicants claim that the General Court should:

- Deliver an interlocutory order whereby it declares that the European Commission has breached its obligation to monitor the implementation of the Treaty concerning the accession of the Republic of Croatia to the European Union, under Article 36 of the Act of Accession (Annex VII, point 1), as regards the introduction of the public enforcement officers' service in the legal system of the Republic of Croatia.
- Order the European Union to make good the (material and non-material) damage suffered by the applicants on the basis of the non-contractual liability of the European Union, in accordance with the second paragraph of Article 340 TFEU.
- Order the European Union to pay the costs of the present proceedings.

— In addition, the applicants submit that the General Court should suspend the deliberations on the amount of the claim until the interlocutory order sought in the present proceedings becomes definitive.

Pleas in law and main arguments

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

1. First plea in law, alleging that the European Commission infringed Article 36 of the Act of Accession (Annex VII, point 1), which forms an integral part of the Treaty between the Member States of the European Union and the Republic of Croatia concerning the accession of the Republic of Croatia to the European Union (Narodne novine — Međunarodni ugovori n° 2/12 (Official Gazette — International Treaties)), by failing to prevent the repeal of the legislation establishing and regulating the profession of public enforcement officer, which the Republic of Croatia had adopted during the negotiations for accession to the European Union. Article 36 of the Act of Accession requires the Commission to monitor all commitments undertaken by Croatia in the negotiations on accession to the European Union, including, therefore, the legal obligations undertaken by the Republic of Croatia to establish a public enforcement officers' service and to establish all the conditions necessary for the full implementation of that service in the Croatian legal system by 1 January 2012 at the latest.
2. Second plea in law, alleging that, by the above infringement, the European Commission directly caused damage to the applicants, who had been appointed public enforcement officers and who had legitimate expectations of entering into service on 1 January 2012.
3. Third plea in law, alleging that, by failing to meet its obligations under the Treaty of Accession, the Commission seriously and manifestly exceeded the limits of its discretion, and that, by frustrating the legitimate expectations of the applicants (appointed public enforcement officers), it caused the applicants considerable material and non-material damage which it must make good in accordance with the second paragraph of Article 340 TFEU.

Action brought on 8 October 2013 Rosian Express v OHIM (Shape of a box)

(Case T-547/13)

(2013/C 367/61)

Language of the procedure: Romanian

Parties

Applicant: Rosian Express Srl (Mediaș, Romania) (represented by: E. Grecu, lawyer)