

*Other party to the proceedings before the Board of Appeal:* Greyleg Investments Ltd (Baltonsborough, United Kingdom)

### **Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 22 November 2013 given in Case R 1091/2012-4;
- Order the defendant to pay the costs of proceedings.

### **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 'HOKEY POKEY' for 'confectionery' in Class 30 — Community trade mark application No 9 275 678

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

*Mark or sign cited in opposition:* Earlier, non-registered trade mark 'HOKEY POKEY' claimed to be in use in the United Kingdom for 'confectionery, namely ice cream'

*Decision of the Opposition Division:* Rejected the opposition in its entirety

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Article 8(4) CTMR.

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## **Action brought on 14 February 2014 — Société Générale v Commission**

**(Case T-98/14)**

(2014/C 142/47)

*Language of the case:* French

### **Parties**

*Applicant:* Société Générale SA (Paris, France) (represented by: P. Zelenko, J. Marthan and D. Kupka, lawyers)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

- annul Article 2(c) of the European Commission decision No C(2013) 8512 final of 4 December 2013 in the EIRD case in so far as it imposes a fine on Société Générale;
- reduce the amount of the fine imposed by that decision on Société Générale to an appropriate amount;
- order, in any event, the European Commission to pay all the costs.

### **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 a manifest error of assessment committed by the Commission in the determination of the method of calculating the values of sales, in so far as the values adopted in the contested decision on the basis of that method do not reflect the respective positions of the banks against which the action has been brought on the relevant market during the infringement period (first part). The applicant submits that the Commission has thereby infringed its duty of diligence (second part) and has infringed the principles of equal treatment (third part) and of the protection of legitimate expectations (fourth part).

2. Second plea in law, alleging a failure to state reasons as regards the choice of the method applied by the Commission in order to calculate the value of the sales by the banks against which the action has been brought.
3. Third plea in law, claiming that the General Court should exercise its unlimited jurisdiction in order to reduce the applicant's fine to an appropriate amount reflecting the respective positions of the banks against which the action has been brought on the relevant market.

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**Action brought on 14 February 2014 — Universal Utility International v OHIM (Greenworld)**

**(Case T-106/14)**

(2014/C 142/48)

*Language of the case: German*

**Parties**

*Applicant:* Universal Utility International GmbH & Co. KG (Kaarst, Germany) (represented by J. Mietzel, lawyer)

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

**Form of order sought**

- annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 13 December 2013 in Case R 1658/2013-4;
- in the alternative, annul the contested decision in so far as it upheld the refusal of the application for the services in classes 35 and 39;
- in the further alternative, annul the contested decision in so far as it upheld the refusal of the application for the services in class 35;
- order OHIM to pay the costs, including the costs incurred in the appeal proceedings.

**Pleas in law and main arguments**

*Community trade mark concerned:* Word mark Greenworld for goods and services in Classes 4, 35 and 39 — Community trade mark application No 11 616 588

*Decision of the Examiner:* Application refused

*Decision of the Board of Appeal:* Appeal dismissed

*Pleas in law:*

- Breach of Article 7(1)(c) of Regulation No 40/94
- Breach of Article 7(1)(b) of Regulation No 40/94

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**Action brought on 17 February 2014 — Burazer and Others v European Union**

**(Case T-108/14)**

(2014/C 142/49)

*Language of the case: Croatian*

**Parties**

*Applicants:* Drago Burazer (Zagreb, Croatia), Nikolina Nežić (Zagreb), Blaženka Bošnjak (Sv. Ivan Zelina, Croatia), Bosiljka Grbašić (Križevci, Croatia), Tea Tončić (Pula, Croatia), Milica Bijelić (Dubrovnik, Croatia), Marijana Kruhoberec (Varaždin, Croatia) (represented by: Mato Krmek, lawyer)

*Defendant:* European Union