

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 of 4 March 2014 in Case R 459/2013-4, in so far as it dismissed the appeal brought against the Examiner's decision, which refuses the protection of the Community trade mark system in respect of the international registration covering the European Union of the figurative mark No 1 100 187 to designate some of the products in Classes 9, 14, 18 and 25;
- allow the registration of the figurative mark No 1 100 187 to designate all the products in Classes 9, 14, 18 and 25, and in the alternative to designate the products whose use has been expressly proven;
- order OHIM to pay the costs incurred by the applicant in the proceedings before OHIM and in the present action, pursuant to Article 87 of the Rules of Procedure of the General Court

Pleas in law and main arguments

Community trade mark concerned: International registration designating the European Union of the figurative mark representing a repetitive pattern with a raised effect in respect of the products in Classes 9, 14, 18 and 25

Decision of the Examiner: Partial refusal of the application

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 7(1)(b) and 7(3) of Regulation No 207/2009

Action brought on 2 May 2014 — Vinnolit v Commission

(Case T-318/14)

(2014/C 223/63)

Language of the case: German

Parties

Applicant: Vinnolit GmbH & Co. KG (Ismaning, Germany) (represented by: M. Geipel, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the decision of the European Commission of 18 December 2013 in cases SA.33995 (2013/C) (ex 2013/NN), in so far as it concerns the reduced EEG-surcharge for energy-intensive users;
- order the defendant to bear its own costs and to pay those incurred by the applicant.

Pleas in law and main arguments

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

1. First plea in law: No aid within the meaning of Article 107 TFEU

- The applicant claims that the reduction of the EEG-surcharge for energy-intensive users, provided for in the Gesetz für den Vorrang erneuerbarer Energien (Law for the priority of renewable energy sources, hereinafter referred to as EEG), constitutes a modification of a civil law compensation mechanism. No advantage through State resources or State-controlled resources is granted.

2. Second plea in law: In any event, no new aid

- The applicant also claims that the reduced EEG-surcharge for energy-intensive users does not constitute new aid for the purposes of Article 108 TFEU because the financing mechanism for the support of renewable energies in the Federal Republic of Germany has, in the past, been classified by the European Commission as compatible with the law on State aid and has not been substantially modified thus far.

3. Third plea in law: Infringement of fundamental rights and the principle of proportionality

- The applicant submits in that regard that the European Commission did not exercise, or incorrectly exercised, the discretion available to it because it (i) did not take into account the considerable adverse effects for the users concerned, which are associated with the initiation of the formal investigation procedure, and (ii) initiated the investigation procedure at a time when it was not yet necessary.

4. Fourth plea in law: Infringement of the principle of the protection of legitimate expectations

- The applicant claims that, by its decision, the European Commission infringed the legitimate expectations of the users concerned because the financing mechanism for the support of renewable energies in the Federal Republic of Germany has, in the past, been classified by the European Commission as compatible with the law on State aid and has not been substantially modified since.

5. Fifth plea in law: Misuse of powers

- Lastly, the applicant claims that, by its decision, the European Commission misused the powers conferred on it by unduly reducing the margin of discretion conferred upon the Federal Republic of Germany under primary and secondary law as regards the manner in which support for renewable energies is organised.

Action brought on 12 May 2014 — Azarov v Council

(Case T-331/14)

(2014/C 223/64)

Language of the case: German

Parties

Applicant: Mykola Yanovych Azarov (Kiev, Ukraine) (represented by: G. Lansky and A. Egger, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul, pursuant to Article 263 TFEU, Council Decision 2014/119/CFSP of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2014 L 66, p. 26) and Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2014 L 66, p. 1), in so far as they concern the applicant;
- Prescribe, pursuant to Article 64 of the Rules of Procedure of the General Court, measures of organisation of procedure;
- Order the Council, pursuant to Article 87(2) of the Rules of Procedure, to pay the costs.

Pleas in law and main arguments

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

1. First plea in law: Infringement of the obligation to state reasons

In this regard, the applicant submits inter alia that the statement of reasons for the contested acts do not make it possible either for him to challenge those acts before the Court or for the Court to review their legality.

2. Second plea in law: Infringement of fundamental rights

In the context of this plea in law, the applicant invokes infringement of the right to property and infringement of the right to exercise an economic activity. He also complains that the restrictive measures imposed are disproportionate. Lastly, he submits that there has been infringement of his rights of the defence.