

Pleas in law and main arguments

Applicant for a Community trade mark: Sociedad General de Aguas de Barcelona, SA

Community trade mark concerned: Figurative mark including the word element 'AQUALOGY' for goods and services in Classes 1, 4, 5, 6, 7, 9, 11, 12, 17, 19, 27, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 — Community trade mark application No 10 122 976

Proprietor of the mark or sign cited in the opposition proceedings: Applicant

Mark or sign cited in opposition: Word mark 'AQUALIA' and national figurative mark including the word element 'AQUALIA' for goods and services in Classes 7, 9, 32, 35, 36, 37, 39, 40 and 42

Decision of the Opposition Division: Opposition rejected

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 8(1)(b) and Article 8(5) of Regulation No 207/2009

Action brought on 31 May 2014 — Yavorskaya v Council and Others

(Case T-405/14)

(2014/C 261/67)

Language of the case: French

Parties

Applicant: Elena Yavorskaya (Moscow, Russia) (represented by: D. Grisay, C. Hartman and Y.G. Georgiades, lawyers)

Defendants: Council of the European Union, European Commission, European Central Bank (ECB) and Eurogroup, represented by the Council of the European Union

Form of order sought

- Declare the present action, based on non-contractual liability under Article 340 of the Treaty on the Functioning of the European Union, admissible;
- Declare the action well founded on the ground that the measures imposed by the different institutions of the European Union on the Republic of Cyprus as regards the attachment of bank accounts constitute a sufficiently serious infringement of the fundamental principles of EU law, conferring rights on individuals, which constitutes a breach of Article 340 TFEU;
- Hold that the actions of the European Union constitute serious and clear misconduct which has had the consequence that the applicant has suffered harm estimated, without prejudice, at the sum of EUR 3 299 855,45, subject to reduction or increase during the proceedings, in particular having regard to interest and costs which, if appropriate, are due;
- Order the European Union to pay the sums set out above;
- Order the European Union, in addition, to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, alleging non-contractual liability of the European Union and, more exactly, an infringement of the right of property and the principle of non-discrimination.

The measures imposed by the European Union on the Republic of Cyprus led to the applicant's accounts with the Laïki Bank being blocked, without any fair compensation having been paid to her in advance.

The European Union thus manifestly and unreasonably infringed the applicant's right of property and the principle of non-discrimination, since only deposits of less than EUR 100 000 made with the Laïki Bank were safeguarded under the European measures imposed on the Cypriot authorities.

Action brought on 17 June 2014 — *Pirelli & C. v Commission*

(Case T-455/14)

(2014/C 261/68)

Language of the case: Italian

Parties

Applicant: Pirelli & C. SpA (Milan, Italy) (represented by: M. Siragusa, F. Moretti, G. Rizza and P. Ferrari, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

primarily

- annul the Decision in so far as it concerns the applicant, specifically Articles 1(5)(d), 2(g) and 4 thereof, but only as regards the inclusion of the applicant in the list of persons to whom that decision is addressed;

in the alternative

- allow *beneficium ordinis seu excussionis* [(that is, make an order to the effect that any creditors must pursue the principal debtor, in the present case Prysmian S.p.A. ('Prysmian'), before pursuing any other debtors, including the applicant)];

in the event that a ruling is made in Prysmian's favour in the separate proceedings brought by that company in the form of an action for annulment of the Decision

- annul the Decision or amend Article 2(g) thereof, reducing the fine imposed jointly and severally on Prysmian and the applicant;

in any event

- order the European Commission to pay the costs.

Pleas in law and main arguments

The present action has been brought against European Commission Decision C(2014) 2139 final of 2 April 2014 relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement (Case AT.39610 — *Power cables*) [(the Decision)].

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

1. First plea in law, alleging a breach of the duty to state reasons

By its first plea, Pirelli claims that the reasons in support of the argument that the *Parental Liability Presumption* ('PLP') does not apply to the Pirelli-Prysmian relationship were not discussed or even referred to in the Decision. The Decision is therefore vitiated by a complete failure to state reasons and should be annulled.