

Action brought on 22 August 2014 — Roland v OHIM (Nuance of the colour red for shoe soles)**(Case T-631/14)**

(2014/C 380/21)

*Language in which the application was lodged: German***Parties***Applicant:* Roland SE (Essen, Germany) (represented by: C. Onken and O. Rauscher)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Christian Louboutin (Paris, France)**Form of order sought**

The applicant claims that the Court should:

- alter the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 28 May 2014 in Case R 1591/2013-1 to the extent that opposition No B 1 922 890 is fully upheld and Community trade mark application No 008845539 is rejected;
- in the alternative: annul the contested decision;
- order the defendant to pay the costs.

Pleas in law and main arguments*Applicant for a Community trade mark:* Christian Louboutin*Community trade mark concerned:* Other marks, which consist of a nuance of the colour red, which is applied to the sole of a shoe, for goods in Class 25 — Community trade mark application No 8845539*Proprietor of the mark or sign cited in the opposition proceedings:* Roland SE*Mark or sign cited in opposition:* International registration of the figurative mark containing the word element 'my SHOES', for goods in Class 25*Decision of the Opposition Division:* Rejected the opposition*Decision of the Board of Appeal:* Dismissed the appeal*Pleas in law:*

- Infringement of Article 75(2) of Regulation No 207/2009;
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 25 August 2014 — Intercon v Commission**(Case T-632/14)**

(2014/C 380/22)

*Language of the case: Polish***Parties***Applicant:* Intercon Sp. z o.o. (Łódź, Poland) (represented by: B. Eger, lawyer)*Defendant:* European Commission

Form of order sought

The applicant claims that the General Court should:

- hold that, by issuing an order for repayment of the amount of EUR 258 479,21, the Commission has breached the provisions of Grant Agreement No ARTreat — 224297 under the Seventh Research Framework Programme (FP7);
- order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

In support of its action, the applicant raises three pleas in law.

1. First plea in law:

- exceeding of the limits of the scope of examination by reason of the audit which was carried out and the consequent impermissible evaluation of the results of that audit.

2. Second plea in law:

- failure to take into account the Form C signed by the beneficiary, although the Commission had requested that this be submitted, and failure to take account of evidence in the form of a declaration of an employee that it was not possible to obtain the documents from the coordinator of the consortium.

3. Third plea in law:

- Failure to take into account new comments and clarifications by reference to Article II.22.5 of the annex to the agreement, even though the Commission had requested the beneficiary to submit these and had imposed a time-limit for that purpose.

Action brought on 26 August 2014 — Frinsa del Noroeste v OHIM — Frisa Frigorífico Rio Doce (FRISA)

(Case T-638/14)

(2014/C 380/23)

Language in which the application was lodged: Spanish

Parties

Applicant: Frinsa del Noroeste, SA (Santa Eugenia de Riviera, Spain) (represented by: J. Botella Reyna, lawyer)

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

Other party to the proceedings before the Board of Appeal: Frisa Frigorífico Rio Doce, SA (Espírito Santo, Brazil)

Form of order sought

The applicant claims that the General Court should:

- refuse registration of Community trade mark No 10 329 721 FRISA to distinguish goods in Class 29 and services in Classes 35 and 39.

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: Figurative mark with word element 'FRISA' for goods and services in Classes 29, 35 and 39
— Application for Community trade mark No 10 329 721