

**Action brought on 30 August 2014 — ADR Center v Commission****(Case T-644/14)**

(2014/C 388/25)

*Language of the case: English***Parties***Applicant:* ADR Center Srl (Rome, Italy) (represented by: L. Tantalò, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the Commission's decision set out in its letter of 27 June 2014 for a recovery action against ADR Center;
- order the immediate payment of the balance due to ADR Center of 79 700,40 EUR, per the pro forma invoice and credit notes issued November 13, 2013;
- order the immediate payment of damages suffered by ADR Center to its international reputation, and for the time devoted by its senior staff to defend a groundless claim;
- order the defendant and any interveners to pay the applicants legal costs and expenses for this procedure in an amount to be determined equitably by the Court.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the contested decision should be annulled on the grounds that the audit actions and the ensuing orders by the Commission are based on a set of rules that were never agreed upon.
2. Second plea in law, alleging that the contested decision should be annulled on the grounds that the Commission unreasonably delayed its issuance of the final audit reports and accompanying recovery orders.
3. Third plea in law, alleging that the Commission has failed to meet its burden of proof. The applicant claims in that regard that the Commission has based its final financial audit and the ensuing recovery orders on unsubstantiated findings.
4. Fourth plea in law, alleging that the findings of the Commission's audit were erroneous. The applicant claims in that regard that findings of the Commission's audit are contested based upon a number of manifest errors, procedural and substantive. The applicant also claims that the Commission has not only failed to review the very orders it has issued, the Commission has also blatantly ignored and failed to consider any and all issues that were raised by ADR Center.

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**Action brought on 8 September 2014 — Revolution v OHIM (REVOLUTION)****(Case T-654/14)**

(2014/C 388/26)

*Language of the case: English***Parties***Applicant:* Revolution LLC (Washington, United States) (represented by: P. Roncaglia, F. Rossi and N. Parrotta, lawyers)

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

### **Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 June 2014 given in Case R 2143/2013-1;
- Order the defendant to pay the costs of proceedings.

### **Pleas in law and main arguments**

*Community trade mark concerned:* The work mark 'REVOLUTION' for services in Class 36 — Community trade mark application No 11 815 297

*Decision of the Examiner:* Rejected the application for CTM registration

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

*Pleas in law:* Infringement of Article 7(1)(b) and 7(2) of the Regulation No 207/2009

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## **Action brought on 11 September 2014 — Peri v OHIM (Shape of a formwork coupler)**

**(Case T-656/14)**

(2014/C 388/27)

*Language of the case:* German

### **Parties**

*Applicant:* Peri GmbH (Weißenhorn, Germany) (represented by A. Bognár and M. Eck, lawyers)

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

### **Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 26 June 2014 in Case R 1178/2013-1;
- Order the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to pay the costs.

### **Pleas in law and main arguments**

*Community trade mark concerned:* The three-dimensional mark in the shape of a formwork coupler for goods in Classes 6 and 19 — Community trade mark application No 10 826 766

*Decision of the Examiner:* The application was rejected

*Decision of the Board of Appeal:* The appeal was dismissed

*Pleas in law:*

- Infringement of Article 7(1)(e) of Regulation No 207/2009
  - Infringement of Article 7(1)(b) of Regulation No 207/2009
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