

3. Third plea in law, claiming that the Decision violates the principle that no-one should be punished twice for the same offence by fining Marine Harvest for (i) failing to notify the December 2012 Acquisition before (ii) implementing it by acquiring title to the 48,5 % shareholding in Morpol.
4. Fourth plea in law, claiming, in the alternative, that the Decision's fining of Marine Harvest violates the principles of legal certainty, 'nullum crimen, nulla poena sine lege', and equal treatment, because of the novelty of the factual and legal issues in this case, and the Commission's recent handling of a comparable case, in which it did not (i) open an investigation, (ii) reach a definitive and binding conclusion on the scope of Articles 7(1) and 7(3) of Council Regulation (EC) No 139/2004, and (iii) impose a fine.
5. Fifth plea in law, claiming, in the further alternative, that the Decision contains manifest errors of law and fact and lacks reasoning in setting the fine levels in this case, because it (i) does not explain how the fines are calculated, (ii) emphasizes the gravity of the alleged violations by reference to factors that do not support it, (iii) includes in the duration of the infringement periods that it excluded in other cases on the misguided grounds that Marine Harvest was insufficiently forthcoming in the pre-notification period, (iv) sets the fines at a level that is disproportionate relative to the duration and gravity of the alleged violation, and objectives to be achieved, and (v) overlooks mitigating circumstances, including the transparent and cooperative merger control process, lack of relevant precedents, and excusable error in committing the alleged violation.

---

**Action brought on 2 October 2014 — Grundig Multimedia v OHIM (DetergentOptimiser)**

**(Case T-707/14)**

(2014/C 409/83)

*Language of the case: English*

**Parties**

*Applicant:* Grundig Multimedia AG (Stansstad, Switzerland) (represented by: S. Walter and M. Neuner, 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 9 July 2014 given in Case R 172/2014-1;
- Order the defendant to pay the costs of proceedings, including those incurred before the Office.

**Pleas in law and main arguments**

*Community trade mark concerned:* The word mark 'DetergentOptimiser' for goods in Class 7 — Community trade mark application No 11 949 559

*Decision of the Examiner:* Rejected the application

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

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

---