

Action brought on 28 November 2014 — MPF Holdings v Commission**(Case T-788/14)**

(2015/C 065/52)

*Language of the case: English***Parties**

Applicant: MPF Holdings Ltd (St Helier, Jersey) (represented by: D. Piccinin and E. Whiteford, Barristers, and E. Gibson-Bolton, Solicitor)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the contested decision; and
- order the Commission to pay the costs.

Pleas in law and main arguments

By its action the applicant seeks the annulment of the Commission's Decision C(2014) 5083 final of 23 July 2014 in case SA.35980 (2014/N-2) — United Kingdom, Electricity Market Reform — Capacity Market.

In support of the action, the applicant relies on one single plea in law alleging that the Commission unlawfully deprived MPF of its right to participate in the formal investigation procedure by failing to open a formal investigation under Article 108(2) TFEU and Article 4(4) of the Procedural Regulation, notwithstanding that the capacity market gives rise to doubts as to its compatibility with the internal market. The applicant submits that:

- the discriminatory availability of long contract durations cannot be justified by reference to the legitimate objective of procuring the necessary amount of generation capacity;
- the Commission failed adequately to investigate the likely effects of the discriminatory availability of long contract durations on the efficiency of the capacity market and on the owners of existing plants;
- the Commission failed adequately to investigate the United Kingdom Government's purported justification for discriminatory contract durations, namely that independent generators that rely on project finance require long term contracts;
- the Commission failed to justify or adequately to investigate the likely effects of the discriminatory price-taker/price-maker distinction.

Action brought on 5 December 2014 — AATC Trading/OHIM — El Corte Inglés (ALAIÑA PARIS)**(Case T-794/14)**

(2015/C 065/53)

*Language in which the application was lodged: French***Parties**

Applicant: AATC Trading AG (Steinhausen, Switzerland) (represented by: P. Lê Dai, lawyer)

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

Other party to the proceedings before the Board of Appeal: El Corte Inglés, SA (Madrid, Spain)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community figurative mark containing the word element 'ALAÏA PARIS' No 3 485 166

Procedure before OHIM: Proceedings for a declaration of invalidity

Contested decision: Decision of the Second Board of Appeal of OHIM of 11 September 2014 in Case R 1411/2013-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs.

Pleas in law

- Infringement of Article 57(2) of Regulation No 207/2009;
- Infringement of Rule 22 of Regulation No 2868/95.

Action brought on 4 December 2014 — Ogrodnik v OHIM — Aviário Tropical (Tropical)
(Case T-804/14)
(2015/C 065/54)

Language in which the application was lodged: English

Parties

Applicant: Tadeusz Ogrodnik (Chorzów, Poland) (represented by: A. von Mühlendahl and H. Hartwig, lawyers)

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

Other party to the proceedings before the Board of Appeal: Aviário Tropical, SA (Loures, Portugal)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: figurative mark in black and white containing the word element 'Tropical' — Community trade mark No 3 435 773

Procedure before OHIM: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 22 September 2014 in Case R 1948/2013-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM and the other party to proceedings, should it intervene, to pay the costs.