

Re:

Action brought against the decision of the Fifth Board of Appeal of OHIM of 17 June 2014 (Case R 169/2014-5) relating to an application for registration of a figurative sign representing a blue sphere as a Community trade mark.

Operative part of the order

1. *The action is dismissed.*
2. *Wm. Wrigley Jr. Company shall pay the costs.*

(¹) OJ C 351, 6.10.2014.

Action brought on 12 June 2015 — IR v OHIM — Pirelli Tyre (popchronon)
(Case T-132/15)
(2015/C 311/53)

Language in which the application was lodged: English

Parties

Applicants: IR (Caen, France) (represented by: C. de Marguerye, lawyer)

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

Other party to the proceedings before the Board of Appeal: Pirelli Tyre SpA (Milan, Italy)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community word mark 'popchronon' — Community trade mark No 4 177 267

Procedure before OHIM: Revocation proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 13 February 2015 in Case R 217/2014-5

Form of order sought

The applicant claims that the Court should:

- receive its conclusions;
- rescind the decision of 13 February 2015 of the Board of Appeal;
- confirm the property rights of the trademark POPCHRONO;
- order OHIM to pay the costs.

Pleas in law

- Infringement of the right to be heard;
- Narrow interpretation of 'genuine use' by the Board of Appeal;
- Resumption of genuine use of a community trademark in question should have been examined by OHIM according to pieces submitted by the applicant, including a prior license agreement for more than three months before the introduction of the revocation request;
- OHIM's failure to take account of the contempt of elementary rules of competition and not considered the will of obstruction of a party against the other party.

Action brought on 30 June 2015 — Papapanagiotou v Parlement**(Case T-351/15)**

(2015/C 311/54)

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

Applicant: Papapanagiotou AVEEA (Serres, Greece) (represented by: S. Pappas and I. Ioannidis, lawyers)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- annul the Decision D(2015)12887 of 27 April 2015 of the Director-General of the Directorate-General for Infrastructure and Logistics, whereby the tender submitted by the applicant for Lots 1, 2 and 4 of tendering procedure 'Office Furniture' No INLO.AO-2012-017-LUX-UAGBI-02 *'for the acquisition of standard, executive and high-end office furniture and accessories'* was rejected and with which the Director-General informed the applicant that, for the evaluation of all the tenders in the above tender procedure, he had not taken into consideration one of the award criteria specified in the tender documents;
- order the defendant to pay the applicant's costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the contested decision is unlawful, due to the exclusion of the 'construction (resistance to breakage, abrasion, scratching and decolouration)' award subcriterion during the tender procedure, which violates the tender specifications, Articles 110(1) and 113(1) Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council of 25 October 2012 on the financial rules applicable to the general budget of the European Union ('the Financial Regulation') and the general principles of equal treatment and transparency.