

Pleas in law

- Infringement of Article 56(2) of Regulation No 207/2009 in conjunction with Rule 37(b)(iv) of Regulation No 2868/95;
- Infringement of Article 51(1)(a) of Regulation No 207/2009.

Action brought on 18 May 2015 — Grupo Bimbo v OHIM (Shape of bars with four circles)**(Case T-240/15)**

(2015/C 236/60)

*Language of the case: Spanish***Parties**

Applicant: Grupo Bimbo, SAB de CV (Mexico City, Mexico) (represented by: N. Fernández Fernández-Pacheco, lawyer)

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

Details of the proceedings before OHIM

Trade mark at issue: Three-dimensional Community trade mark (Shape of bars with four circles) — Application for registration No 12 551 867

Contested decision: Decision of the First Board of Appeal of OHIM of 2 March 2015 in Case R 1602/2014-1

Forms of order sought

The applicant claims that the Court should:

- annul the contested decision because it is unlawful and infringes the legal provisions in force concerning the Community trade mark; deliver a judgment in accordance with the claims set out in the application on the basis of the sufficient intrinsic distinctiveness of the three-dimensional mark applied for; order the registration of the application for a three-dimensional Community trade mark No 12 551 867, for goods in classes 5, 29 and 30 of the International Classification in its entirety;
- order the party opposing that claim to pay the costs or expenses of the proceedings and to reimburse the appeal fees paid to OHIM and the corresponding expenses.

Plea in law

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

Action brought on 18 May 2015 — ACDA and Others v Commission**(Case T-242/15)**

(2015/C 236/61)

*Language of the case: French***Parties**

Applicants: Automobile Club des Avocats — ACDA (Paris, France); Organisation des Transporteurs Routiers Européens — OTRE (Bordeaux, France); Fédération française des motards en colère — FFMC (Paris); Fédération française de motocyclisme (Paris); and Union nationale des automobile clubs (Paris) (represented by: M. Lesage, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- declare their action admissible;
- annul Commission Notice SA.38271 of 28 October 2014 on State Aid SA.2014/N 38271, linked to the Plan for Investment in Motorways in France, published on 20 February 2015 in the Official Journal of the European Union (OJEU).

Pleas in law and main arguments

In support of the action, the applicants rely on five pleas in law.

1. First plea in law, alleging that the French motorway investment plan ('MIP') would have the effect of granting a benefit specifically to concession-holding companies operating motorways, with the assistance of public funds.
2. Second plea in law, alleging that the MIP would affect competition.
3. Third plea in law, alleging overcompensation for the expenditure incurred by concession-holding companies operating motorways, which is inconsistent with the task of general economic interest with which they are entrusted.
4. Fourth plea in law, alleging a barrier to trade between the Member States.
5. Fifth plea in law, alleging that the amendments made to the MIP without a new notification having been made to the Commission since Notice SA.38271 are unlawful.

Action brought on 15 May 2015 — Ivanyushchenko/Council

(Case T-246/15)

(2015/C 236/62)

Language of the case: English

Parties

Applicant: Yuriy Volodymyrovych Ivanyushchenko (Yenakievo, Ukraine) (represented by: B. Kennelly and J. Pobjoy, Barristers, and R. Gherson, Solicitor)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2015/364 of 5 March 2015 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2015 L 62, p. 25) and Council Implementing Regulation (EU) 2015/357 of 5 March 2015 Implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2015 L 62, p. 1) insofar as they apply to the applicant;