

Details of the proceedings before OHIM

Trade mark at issue: Community word mark 'Limbic® Types' — Application for registration No 12 316 469

Contested decision: Decision of the First Board of Appeal of OHIM of 23 June 2015 in Case R 1974/2014-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision concerning the application for registration of the Community trade mark 012 316 469 Limbic® Types;
- order OHIM to pay the costs.

Pleas in law

- Infringement of Article 7(1)(b) Regulation No 207/2009;
- Infringement of Article 7(1)(c) of Regulation No 207/2009;
- Infringement of Article 63, the first sentence of Article 75 and of Article 76 of Regulation No 207/2009.

Action brought on 7 September 2015 — Gruppe Nymphenburg Consult v OHIM (Limbic® Sales)

(Case T-517/15)

(2015/C 354/60)

Language of the case: German

Parties

Applicant: Gruppe Nymphenburg Consult AG (Munich, Germany) (represented by: R. Kunze und G. Würtenberger, lawyers)

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

Details of the proceedings before OHIM

Trade mark at issue: Community word mark 'Limbic® Sales' — Application for registration No 12 316 493

Contested decision: Decision of the First Board of Appeal of OHIM of 23 June 2015 in Case R 1972/2014-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision concerning the application for registration of the Community trade mark 012 316 493 Limbic® Sales;
- order OHIM to pay the costs.

Pleas in law

- Infringement of Article 7(1)(b) Regulation No 207/2009;
- Infringement of Article 7(1)(c) of Regulation No 207/2009;
- Infringement of Article 63, the first sentence of Article 75 and of Article 76 of Regulation No 207/2009.

Action brought on 2 September 2015 — France v Commission**(Case T-518/15)**

(2015/C 354/61)

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

Applicant: French Republic (represented by: G. De Bergues, D. Colas, R. Coesme and A. Daly, acting as Agents)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul in part Commission Decision C(2015) 4076 final of 22 June 2015 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) in so far as it excludes from European Union financing the expenditure of the French Republic incurred under the Compensatory allowance for natural handicaps aid and under the cattle-farmers' agro-environmental premium with regard to Axis 2 of Metropolitan France's rural development programme for the financial years of 2011, 2012 and 2013 in the amount of the aid paid pursuant to requests made in the years in which it was promoted of 2011, 2012 and 2013;
- in the alternative, annul in part the decision in so far as it includes the expenditure relating to sheep and goats that have not benefited from a request for animal aid in the basis of calculation of the lump-sum correction;
- in the further alternative, annul in part the decision in so far as it applies a lump-sum correction plus 10 % on the basis that the failure for which the French authorities were criticised in counting the animals was recurrent;
- order the Commission to pay the costs of the proceedings.

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 an infringement of Articles 4(1), 10(1) and 14(2) of Regulation (EU) No 65/2011 ⁽¹⁾ and Article 11(1) of Regulation (EC) No 885/2006 ⁽²⁾ since the Commission found that the applicant had failed to comply with its obligations to check stocking rates on the basis that it had not counted the animals during on-the-spot checks and on the basis that the animals were not made 'the subject of a plausible calculation' during on-the-spot checks.
2. Second plea in law, in the alternative, alleging that, in the contested decision, the Commission unlawfully included the expenditure relating to sheep and goats that have not benefited from a request for animal aid in the basis of calculation of the lump-sum correction.