

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 26 April 2016 (Case R 2208/2015-4), concerning an application for registration of the word sign EUROPEAN SOCIAL ENTERPRISE LAW ASSOCIATION as an EU trade mark.

**Operative part of the order**

1. *The action is dismissed as inadmissible.*
2. *The European Social Enterprise Law Association shall pay the costs.*

---

(<sup>1</sup>) OJ C 314, 29.8.2016.

---

**Action brought on 31 October 2016 — Campailla v Court of Justice of the European Union****(Case T-759/16)**

(2017/C 078/46)

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

*Applicant:* Massimo Campailla (Holtz, Luxembourg) (represented by: F. Rollinger, lawyer)

*Defendant:* Court of Justice of the European Union

**Form of order sought**

The applicant claims that the General Court should:

- declare the action admissible and well founded;
- order the defendant to pay to the applicant the amount of EUR 112 202 476.69, together with the associated and consubstantial penalties, amounting, on a monthly and cumulative basis, to 1.83 % as from December 1994 until the date of settlement, by way of compensation for the non-material and material damage suffered by the applicant as established in the application in Case T-429/09, *Campailla v Commission*, which is already in the General Court's possession;
- uphold the applicant's express request that a hearing be ordered in order to allow him to plead his case before the General Court;
- order the defendant to pay all the costs of the present proceedings, including the lawyers' fees which it obliged the applicant to incur and which will be quantified at the end of the proceedings;
- reserve to the applicant all other rights, entitlements, pleas and actions.

**Pleas in law and main arguments**

In support of the action, the applicant relies on seven pleas in law, corresponding to the constituent actions which were allegedly committed by the defendant and which give rise to its non-contractual liability.

1. First plea in law, based on the unconditional receipt by the Registry of the Court of Justice of the action that had been directly brought by the applicant without being represented by a lawyer.
2. Second plea in law, based on the failure to draw the applicant's attention to the existence of a potential problem due to the lodging of an action without legal representation, and on the divergent treatment accorded to the applicant in comparison with other persons in an identical situation.
3. Third plea in law, based on the penalty allegedly imposed on the applicant without any legal basis, in that his appeal was declared inadmissible.

4. Fourth plea in law, alleging breach of the applicant's fundamental rights, in particular the denial of justice to which he was entitled, consisting of a deprivation of human dignity at variance with Article 1 of the Charter of Fundamental Rights of the European Union.
5. Fifth plea in law, alleging non-observance of the rights to effective legal protection and to a fair trial in that the defendant did not take into account the applicant's particular situation and thus failed to take measures guaranteeing him observance of those rights.
6. Sixth plea in law, alleging non-observance by the defendant of the right to good administration in unilaterally issuing its order dismissing the applicant's appeal in Case C-265/11 P.
7. Seventh plea in law, alleging breach of the applicant's property rights, in so far as the dispute underlying the proceedings initiated against the European Commission before the Court of Justice of the European Union was designed to have the applicant's property rights recognised in order to obtain compensation. In that regard, the applicant criticises the Court of Justice for having, in dismissing the appeal, confirmed and definitively rendered *res judicata* the false decision which was imposed by the General Court by its order in Case T-429/09.

---

**Action brought on 27 December 2016 — Proof IT v EIGE**

**(Case T-914/16)**

(2017/C 078/47)

*Language of the case: English*

**Parties**

*Applicant:* Proof IT SIA (Riga, Latvia) (represented by: J. Jerņeva and D. Pāvila, lawyers)

*Defendant:* European Institute for Gender Equality (EIGE)

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the European Institute for Gender Equality adopted in the procurement procedure for the award of a framework contract 'Maintenance and update of EIGE's gender statistics tools and resources' EIGE/2016/OPER/01-Lot 1 and EIGE/2016/OPER/01-Lot 2, notified to the applicant by letter of 14 October 2016, to reject the applicant's tender and to award the framework contract to a third company;
- award damages to the applicant for loss of opportunity and/or for loss of the contract itself in the amount of EUR 128 480;
- order the defendant to pay the costs of the applicant.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the defendant breached the principles of equal treatment and transparency by failing to interpret the award criteria in the same way throughout the entire procurement procedure.
2. Second plea in law, alleging that the defendant breached the principles of equal treatment and transparency by entirely re-evaluating the applicant's tender, thus acting in an arbitrary manner giving rise to concerns about favouritism.
3. Third plea in law, alleging that the defendant breached the principles of equal treatment and transparency since the award criteria are imprecise, thus conferring on the defendant an unrestricted freedom of choice as regards the awarding of the contract in question.