

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Other party to the proceedings before the Board of Appeal

*Trade mark at issue:* EU figurative mark containing the word element 'VIETA' — EU trade mark No 1 790 674

*Procedure before EUIPO:* Revocation proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 4 October 2016 in Case R 1010/2016-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to bear their own costs and pay those of the applicant.

**Pleas in law**

- Infringement of Article 65(6) of Regulation No 207/2009;
- Infringement of the principle of clarity and precision of trade mark terms.

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**Action brought on 5 December 2016 — RF v Commission**

**(Case T-880/16)**

(2017/C 053/44)

*Language of the case:* Polish

**Parties**

*Applicant:* RF (Gdynia, Poland) (represented by: K. Komar-Komarowski, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the General Court should:

- annul Commission Decision C(2016)5925 final of 15 September 2016 rejecting the complaint in case COMP AT.40251 — Rail transport, freight forwarding, and remit the case back to the Commission for re-examination;
- 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 two pleas in law.

1. First plea in law, alleging infringement of Article 13 of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1) through misinterpretation or possible misapplication thereof.
  2. Second plea in law, alleging infringement of Article 105(1) TFEU.
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