

**Form of order sought**

The applicant claims that the Court should:

- Annul the contested decision;
- Order EUIPO to pay the costs.

**Plea in law**

- Infringement of Article 7 of Regulation No 207/2009. The applicant claims, in particular, that the trade mark 'JUMBO' is not subject to any of the prohibitions set out in Article 7(1) of that regulation. That mark is not descriptive of the products which it designates.

---

**Action brought on 10 February 2017 — Le Pen v Parliament**

(Case T-86/17)

(2017/C 104/85)

*Language of the case: French*

**Parties**

*Applicant:* Marine Le Pen (Saint-Cloud, France) (represented by: M. Ceccaldi and J.-P. Le Moigne, lawyers)

*Defendant:* European Parliament

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Secretary General of the European Parliament of 5 December 2016 taken in accordance with Decision 2009/C 159/01 of the Bureau of the European Parliament of 19 May and 9 July 2008 issuing a demand for payment to the applicant in respect of EUR 298 497,87 for sums unduly paid for parliamentary assistance, stating reasons for the recovery of those sums and authorising the officer responsible, in collaboration with the institution's accountant, to recover those sums in accordance with Article 68 of the Implementing Measures for the Statute of Members of the European Parliament and Articles 66, 78, 79 and 80 of the Financial Regulation ('the FR');
- annul the debit note No 2016-1560 of 6 December 2016, demanding that applicant pay the sum of EUR 298 497,87 pursuant to the decision of the Secretary General of 5 December 2016, recovery of sums unduly paid for parliamentary assistance, application of Article 86 of the Implementing Measure for the Statute for Members of the European Parliament and Articles 66, 78, 79 and 80 of the FR;
- order the European Parliament to pay all the costs of the proceedings;
- order the European Parliament to pay Ms Le Pen EUR 50 000 as payment for recoverable costs.

**Pleas in law and main arguments**

In support of the action the applicant puts forward twelve pleas:

1. First plea, based on the lack of competence of the author of the act. The applicant takes the view that the decision of the Secretary General of the European Parliament of 5 December 2016 ('the contested decision') falls within the competence of the Bureau of the European Parliament and the signatory of the decision did not indicate any delegation of powers.
2. Second plea, based on the lack of reasoning in the contested decision, even though that requirement is laid down by Article 41 of the Charter of Fundamental Rights of the European Union.

3. Third plea claiming infringement of an essential procedural requirement, in that the contested decision referred to the investigation report prepared by the European Anti-Fraud Office ('OLAF'), closed on 26 July 2016, which was not communicated to the applicant. Therefore, applicant was not heard and was not able to properly avail herself of her right to defend herself, since the Secretary General refused to communicate to her the evidence on which the contested decision is based.
4. Fourth plea, based on the failure by the Secretary General of the European Parliament to personally examine file. According to the applicant, the latter merely relied on the report by OLAF and never personally examined the applicant's situation.
5. Fifth plea, based on the lack of any facts supporting the contested decision and the debit note ('the contested acts'), in that the facts on which they are based are inaccurate.
6. Sixth plea, based on the reversal of the burden of proof. In that regard, the applicant considers that it is not for her to adduce evidence of her parliamentary assistant's work, but that it is for the competent authorities to prove the contrary.
7. Seventh plea, alleging infringement of the principle of proportionality, in so far as there are no grounds with regard to the details or the method of calculation of the sum claimed from the applicant, and it is assumed that the parliamentary assistant never worked for the applicant.
8. Eighth plea, based on an abuse of powers, in that the contested acts were adopted with the aim of depriving the applicant, a Member of the European Parliament, of the means to carry out her mandate.
9. Ninth plea, based on an abuse of process. The applicant considers that, to avoid being ordered to send her the OLAF report which was in his possession, the Secretary General unlawfully sent the request for communication of that report to OLAF which has not sent her the report.
10. Tenth plea, based on discrimination and the existence of *fumus persecutionis*, in that the circumstances surrounding the present dispute exclusively concern the applicant and her party.
11. Eleventh plea, based on the undermining of the independence of a member of parliament and the consequences of the lack of any binding mandate. The contested acts were undoubtedly intended to impede the freedom to exercise the applicant's parliamentary mandate, by depriving her of the financial means necessary to carry out her mission. Furthermore, the applicant was unable to receive instructions from the Secretary General as to how she was to carry out her mandate, subject to the threat of financial sanctions.
12. Twelfth plea, based on OLAF's lack of independence, in that that body did not offer any guarantee of impartiality and probity and is under the control of the European Commission.

---

**Action brought on 8 February 2017 — Kuka Systems v EUIPO (Matrix light)**

(Case T-87/17)

(2017/C 104/86)

*Language of the case: German*

**Parties**

*Applicant:* Kuka Systems GmbH (Augsburg, Germany) (represented by: B. Maneth and C. Huch-Hallwachs, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

**Details of the proceedings before EUIPO**

*Mark at issue:* EU word mark 'Matrix light' — Application for registration No 14 779 714