

Trade mark at issue: EU word mark 'FUNNY BANDS' — EU trade mark No 9 350 794

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Second Board of Appeal of EUIPO of 20/01/2017 in Case R 1081/2016-2)

Form of order sought

The applicant claims that the Court should:

- overturn the contested decision;
- declare the EU trade mark No 009 350 794 'FUNNY BANDS' invalid pursuant to Articles 52(1)(a), 7(1)(b) and (c) EUTMR;
- order EUIPO to pay its own costs as well as the costs of the applicant;
- in the event that the EUTM Proprietors join in these proceedings as an intervening party, order it to bear its own costs.

Plea in law

- Infringement of Article 52(1)(a) in conjunction with Article 7(1)(b) and (c) of Regulation No 207/2009.

Action brought on 12 April 2017 — HF v Parliament

(Case T-218/17)

(2017/C 178/44)

Language of the case: French

Parties

Applicant: HF (represented by: A. Tymen, lawyer)

Defendant: European Parliament

Form of order sought

- Declare the present action admissible and well-founded;
In consequence,
 - Annul the decision of 3 June 2016 rejecting the applicant's request for assistance of 11 December 2014;
 - Insofar as necessary, annul the decision of 4 January 2017, received on 11 January 2017, rejecting the applicant's claim of 6 September 2016;
 - Order the defendant to pay damages set *ex aequo et bono* at EUR 90 000 in compensation of the non-pecuniary harm suffered by the applicant;
 - Order the defendant to pay all the costs.

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 infringement of the rights of the defence, infringement of Article 41 of the Charter of Fundamental Rights of the European Union, infringement of the right to be heard and infringement of the principle of an adversarial process.
2. Second plea in law, alleging procedural errors such as to vitiate the contested decision and partiality in the procedure followed by the Committee.

3. Third plea in law, alleging a manifest error of assessment, [infringement] of the obligation to provide assistance and the duty of care and infringement of Articles 12a and 24 of the Staff Regulations.

Action brought on 12 April 2017 — M J Quinlan & Associates v EUIPO — Intersnack Group (Shape of a kangaroo)

(Case T-219/17)

(2017/C 178/45)

Language in which the application was lodged: German

Parties

Applicant: M J Quinlan & Associates Pty Ltd (Hope Island, Queensland, Australia) (represented by: M. Freiherr von Welser and A. Bender, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Intersnack Group GmbH & Co. KG (Düsseldorf, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU tridimensional mark (Shape of a kangaroo) — European Union trade mark No 13 342

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Second Board of Appeal of EUIPO of 27 January 2017 in Case R 218/2016-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs;
- conduct an oral hearing, in order to ensure the parties' right to a full hearing.

Pleas in law

- Infringement of Article 51(1)(a) of Regulation No 207/2009;
- Infringement of Article 51(1)(a) in conjunction with Article 15(2) of Regulation No 207/2009;
- Infringement of Article 51(1)(a) in conjunction with Article 15(1)(2)(b) of Regulation No 207/2009.

Action brought on 12 April 2017 — Pfalzmarkt für Obst und Gemüse v EUIPO (100 % Pfalz)

(Case T-220/17)

(2017/C 178/46)

Language of the case: German

Parties

Applicant: Pfalzmarkt für Obst und Gemüse eG (Mutterstadt, Germany) (represented by: C. Gehweiler, lawyer)