

Action brought on 26 February 2015 — Sfera Joven v OHIM — Las banderas del Mediterráneo (NOOSFERA)**(Case T-99/15)**

(2015/C 155/36)

*Language in which the application was lodged: Spanish***Parties***Applicant:* Sfera Joven, SA (Madrid, Spain) (represented by: J. L. Rivas Zurdo, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*Other party to the proceedings before the Board of Appeal:* Las banderas del Mediterráneo, SL (Cox, Spain)**Details of the proceedings before OHIM***Applicant for the trade mark at issue:* Other party to the proceedings before the Board of Appeal*Trade mark at issue:* Community word mark 'NOOSFERA' — Application for registration No 11 233 681*Procedure before OHIM:* Opposition proceedings*Contested decision:* Decision of the Fourth Board of Appeal of OHIM of 12 December 2014 in Case R 158/2014-4**Form of order sought**

The applicant claims that the Court should:

- annul the decision of 12 December 2014 of the Fourth Board of Appeal of OHIM in Case R 158/2014-4 in so far as in rejecting the opponent's appeal, it confirmed the Opposition Division's decision rejecting Opposition B 2 160 557 and granting in full Community trade mark No 11 233 681 'NOOSFERA' (word mark);
- order the party or parties opposing this action to pay the costs.

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 27 February 2015 — Dextro Energy v Commission**(Case T-100/15)**

(2015/C 155/37)

*Language of the case: German***Parties***Applicant:* Dextro Energy GmbH & Co. KG (Krefeld, Germany) (represented by: Rechtsanwälte M. Hagenmeyer and T. Teufer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul Commission Regulation (EU) 2015/8 of 6 January 2015 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health (OJ 2015 L 3, p. 6);
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

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

First plea in law, alleging an infringement of Article 18(4) of Regulation No 1924/2006 ⁽¹⁾

The applicant claims that there are no grounds to justify the refusal to authorise the five health claims which have nonetheless received five favourable scientific assessments from the European Food Safety Authority. Those five health claims neither infringe generally accepted nutrition and health principles, nor convey a conflicting and confusing message to consumers. They are also neither ambiguous nor misleading.

Second plea in law, alleging a lack of proportionality

The applicant claims that, in view of the favourable opinion of the European Food Safety Authority on the applicant's five health claims, the absolute ban on advertising resulting from the rejection of those health claims was disproportionate.

Third plea in law, alleging an infringement of the principle of equality

The applicant submits that the defendant has refused to authorise scientifically uncontested health claims despite having authorised similar health claims in the past.

Fourth plea in law, alleging a failure to provide sufficient grounds

Finally, the applicant claims that the contested regulation does not provide sufficient grounds; it cannot be discerned whether the defendant took into account the arguments of the applicant and of the public, nor whether it even carried out an independent appraisal of those arguments.

⁽¹⁾ Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ 2006 L 404, p. 9).

Action brought on 25 February 2015 — Militos Symvouleftiki/Commission**(Case T-104/15)****(2015/C 155/38)***Language of the case: English***Parties**

Applicant: Militos Symvouleftiki AE (Athens, Greece) (represented by: S. Pappas, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's Implementing Decision of 16 December 2014, rejecting as unfounded the applicant's referral for legality review of 23 October 2014, and upholding the decision of 23 September 2014 of the Education, Audiovisual and Culture Executive Agency, regarding the ineligibility of remuneration paid to the applicant's partners/shareholders as staff costs in two projects successfully executed by the applicant, namely 'Go Green — Green Business is smart Business' project (Agreement No. 510424-LLP-1-2010-1-GR-LEONARDO-LMP) and 'LadybizIT' project (Agreement No. 2011-3052-518310-LLP-1-2011-1-GR-LEONARDO-LAM), and determine eligible as staff costs in the project concerned the relevant costs corresponding to the 'additional' services provided by Ms Olga Stavropoulou, Mr Pavlos Aravantinos, and Mr Karamanlis, or, in the alternative, determine solely the costs corresponding to the 'additional' services provided by Ms Olga Stavropoulou and Mr Pavlos Aravantinos in the two projects in question eligible under Article II.14 of the grant agreement and its annex III and payable to the applicant;