

**Pleas in law and main arguments**

In support of the action, the applicant relies on three pleas in law, alleging the following defects:

1. infringement of Article 5(2) of Regulation No 729/70: <sup>(2)</sup> the Commission has failed to demonstrate any infringement of the rules governing the common organisation of agricultural markets;
2. infringement of Article 5(2) of Regulation No 729/70 on the ground that the conditions laid down by the Commission in the uniform guidelines set out in Document No VI/5330/97 <sup>(3)</sup> for the application of a flat-rate 25 % financial correction are not fulfilled;
3. infringement of Article 31 of Regulation No 1290/2005: <sup>(4)</sup> expenditure incurred more than 24 months previously — on the ground that, by excluding from Community financing expenditure incurred in 1999 and 2000, the contested decision refuses to fund expenditure incurred more than 24 months before the Commission gave the Portuguese authorities written notification of its inspection findings deriving from the annulment of the Commission's decision of 28 April 2006. <sup>(5)</sup>

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<sup>(1)</sup> Commission Implementing Decision (EU) 2015/1119 of 22 June 2015 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2015 L 182, p. 39).

<sup>(2)</sup> Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy (OJ English Special Edition, 1970(I), p. 218).

<sup>(3)</sup> Commission Document No VI/5330/97 of 23 December 2007, Commission guidelines on the calculation of financial consequences when preparing decisions concerning the clearance of EAGGF, Guarantee Section, accounts.

<sup>(4)</sup> Council Regulation (EU) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ 2005 L 209, p. 1).

<sup>(5)</sup> Commission Decision of 28 April 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2006 L 124, p. 21).

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**Action brought on 24 September 2015 — Universidad Internacional de la Rioja v OHIM —  
Universidad de la Rioja (UNIVERSIDAD INTERNACIONAL DE LA RIOJA UNIR)**

**(Case T-561/15)**

**(2015/C 389/71)**

*Language in which the application was lodged: Spanish*

**Parties**

**Applicant:** Universidad Internacional de la Rioja, SA (Logroño, Spain) (represented by: C. Lema Devesa and A. Porras Fernandez-Toledano, lawyers)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

**Other party to the proceedings before the Board of Appeal:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

**Details of the proceedings before OHIM**

*Applicant:* Applicant

*Trade mark at issue:* Community figurative mark containing the word elements 'UNIVERSIDAD INTERNACIONAL DE LA RIOJA UNiR' — Application for registration No 11 738 093

*Procedure before OHIM:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of OHIM of 22 June 2015 in Case R 1914/2014-5

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision insofar as OHIM rejected Community trade mark application No 11 738 093 and, accordingly, allow the registration to proceed;
- order OHIM to pay the costs.

**Pleas in law**

The applicant claims that:

- the contested decision fails to correctly identify the average consumers of the actual goods or services;
- the contested decision fails to carry out an adequate analysis of the likelihood of confusion.

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**Action brought on 25 September 2015 — Aldi v OHIM — Rouard (GOURMET)**

**(Case T-572/15)**

(2015/C 389/72)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Aldi GmbH & Co. KG (Mülheim an der Ruhr, Germany) (represented by: C. Fürsen und N. Bertram, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

*Other party to the proceedings before the Board of Appeal:* Pierre-André Rouard (Madrid, Spain)

**Details of the proceedings before OHIM**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* Community figurative mark with the word element 'GOURMET' — Application No 10 509 446