

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Pancyprian Organisation of Cattle Farmers (POCF) (Latsia, Cyprus)

Details of the proceedings before EUIPO

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: EU figurative mark in colours containing the word elements 'COWBOYS HALLOUMI' — Application for registration No 11 281 375

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 22 September 2016 in Case R 2781/2014-4

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

Action brought on 5 December 2016 — Techniplan v Commission

(Case T-853/16)

(2017/C 022/78)

Language of the case: Italian

Parties

Applicant: Techniplan Srl (Rome, Italy) (represented by: R. Giuffrida and A. Bonavita, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare that the European Commission infringed Article 265 TFEU by failing to take a position on the request sent by Techniplan by means of a formal letter of notice;
- order the European Commission to meet the obligation to *act* provided for in Article 266 TFEU and to pay compensation in respect of the damage for each day on which it fails to meet that obligation, as well as to pay its costs and other disbursements.

Pleas in law and main arguments

The applicant is an engineering company which was awarded a number of projects in African countries (supervision and surveillance of the planning and asphaltting works on the Banikoara-Kandi road in Benin, supervision of the works on the Ouallah-Miringoni Road RN32 in the Comoros, supervision of the regular maintenance works on the asphalted roads in Ajouan and Moheli in the Comoros, supervision and monitoring of the regular maintenance works on Grande Comore in the Comoros, monitoring and surveillance of the construction works on the Kinkala-Mindouli National Road No 1 in Congo, supervision and surveillance of the planning and asphaltting works on the Bouar-Fambélé road in the Central African Republic, and preparation and monitoring of works in the context of SP NP/HD (support project for the national plans for health development) in the Democratic Republic of Congo).

The applicant states in this respect that all of those projects were completed and certified by the national authorising officers, and that the corresponding invoices were paid and approved by the bodies of the European Commission, which finances the projects. Nevertheless, entirely unexpectedly, invoices started to be paid only in part. The defendant even applied, again according to the applicant, an arbitrary penalty for the benefit of the European Development Fund, without any specific objection being raised. In particular, the European Commission also intended arbitrarily to use credits claimed by Techniplan in order to offset alleged unspecified debts.

The defendant sent a formal letter of notice on the basis of Article 265 TFEU in which it called on the European Commission to adopt a measure or take an official position on its request for payment and the real nature of the penalties applied.

In support of its action, the applicant claims that the competent bodies of the European Commission acted in contravention of the principles of legal certainty and transparency. This situation, Techniplan submits, severely damaged its subjective rights, even though it has a legitimate expectation to know with certainty, at all times and in every situation, what are its EU-law rights and obligations.

Action brought on 5 December 2016 — Rare Hospitality International v EUIPO (LONGHORN STEAKHOUSE)

(Case T-856/16)

(2017/C 022/79)

Language of the case: English

Parties

Applicant: Rare Hospitality International, Inc. (Orlando, Florida, United States) (represented by: I. Lázaro Betancor, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'LONGHORN STEAKHOUSE' — Application for registration No 13 948 682

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 12 September 2016 in Case R 2149/2015-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009;
 - Infringement of principle of equal treatment and sound administration.
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