

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 7 April 2014 in Case R 859/2013-4;
- Uphold the appeal;
- Uphold the opposition based on earlier Community trade mark No 6 025 399;
- And dismiss the application for registration of the word mark 'UNITED VEHICLES';
- Order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: United Vehicles GmbH

Community trade mark concerned: the word mark 'UNITED VEHICLES' for services in Classes 35, 36, 38 and 42 — Community trade mark application No 10 330 041

Proprietor of the mark or sign cited in the opposition proceedings: the applicant

Mark or sign cited in opposition: the word mark 'Junited' for goods and services in Classes 1, 3, 7, 8, 9, 12, 14, 16, 17, 19, 21, 25, 26, 35, 36, 37 and 39 to 41

Decision of the Opposition Division: the opposition was rejected

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Article 8(1)(b) of Regulation No 207/2009

Action brought on 6 June 2014 — Larko v Commission

(Case T-412/14)

(2014/C 292/58)

Language of the case: Greek

Parties

Applicant: Larko Geniki Metalleftiki kai Metallourgiki AE (Athens, Greece) (represented by: I. Drullerakes, E. Triandafyllou, G. Psaroudakis, E. Randos, N. Korogiannakis, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- uphold this action in its entirety;
- declare to be null and void the Commission Decision of 27/03/2014 [SG-Greffé (2014) D/4628/28/03/2014] in relation to the sale of certain assets of the applicant (No. SA.37954 (2013/N) and,
- order the defendant to pay the applicant's costs.

Pleas in law and main arguments

In support of the action the applicant relies on three pleas in law:

1. The first plea in law is based on the infringement by the Commission of Article 41 of the Charter of Fundamental Rights. The applicant maintains that due to the failure first to hear the applicant it is evident that the adoption of the contested decision was vitiated by an infringement of an essential procedural requirement for its adoption.
2. The second plea in law is based on the infringement by the Commission of Article 108(2) TFEU and Article 14 of Regulation (EC) No 659/99.⁽¹⁾ The applicant maintains that the Commission committed a manifest error of assessment in considering that there was economic continuity between the applicant and the purchaser of its assets in the context of the 'privatisation programme'.
3. The third plea in law is based on the infringement of Article 296(2) TFEU. The applicant maintains that the statement of reasons in the contested decision is insufficient as regards the lack of economic continuity, and particularly as regards (a) the scope of the assets which were sold, (b) the non-transfer of employment contracts and (c) the economic logic of the sale.

⁽¹⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 1999 L 83, p. 1).

Action brought on 6 June 2014 — Larko v Commission

(Case T-423/14)

(2014/C 292/59)

Language of the case: Greek

Parties

Applicant: Larko Geniki Metalleftiki kai Metallourgiki AE (Athens, Greece) (represented by: I. Drullerakes, E. Triandafyllou, G. Psaroudakis, E. Randos, N. Korogiannakis, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- uphold this action in its entirety;
- declare null and void the Commission Decision of 27/03/2014 [SG-Greffé (2014) D/4621/28/03/2014] on State aid implemented by the Hellenic Republic in favour of the applicant (No SA.34572 (2013/C) (ex 2013/NN);
- order that whatever amount may have been 'recovered' directly or indirectly from the applicant in execution of the contested decision be reimbursed with interest and,
- order the defendant to pay the applicant's costs.

Pleas in law and main arguments

In support of the action the applicant relies on the following pleas in law:

1. The first plea in law is based on the infringement by the defendant of Articles 107(1) and 296 TFEU since: (a) the aid measures 2, 3, 4 and 6 cannot be categorised as State aid under Article 107(1) TFEU and (b) even if some of the aid measures 2, 3, 4 and 6 could be categorised as constituting State aid under Article 107(1) TFEU, that aid is compatible with the internal market under Article 107(3) TFEU.