

Procedure before OHIM: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 5 November 2015 in Case R 1814/2014-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM and the other party to pay their own costs and those of the applicant.

Plea in law

- Infringement of Article 7(1)(b) of Regulation No 207/2009.

Action brought on 25 January 2016 — Comprojecto-Projetos e Construções and Others v ECB

(Case T-22/16)

(2016/C 106/43)

Language of the case: Portuguese

Parties

Applicants: Comprojecto-Projetos e Construções, Lda (Lisbon, Portugal), Julião Maria Gomes de Azevedo (Lisbon), Paulo Eduardo Matos Gomes de Azevedo (Lisbon) and Isabel Maria Matos Gomes de Azevedo (Lisbon) (represented by: M. A. Ribeiro, lawyer)

Defendant: European Central Bank

Form of order sought

The applicants claim that the General Court should:

- Declare, pursuant to Article 265 TFEU, that the European Central Bank, by failing to pursue the complaint presented by the applicants on 27 November 2015, unjustifiably abstained from giving a decision, despite having been requested to do.
- In the alternative, annul, pursuant to Articles 263 and 264 TFEU, the decision of the European Central Bank.
- Order the European Central Bank, pursuant to Articles 340 TFEU and 41(3) of the Charter of Fundamental Rights of the European Union, to compensate the applicants in the amount of EUR 4 199 780,43, together with interest on late payments at the statutory rate until actual payment.
- Order the European Central Bank to pay the costs, in accordance with Article 134(1) of the Rules of Procedure.

Pleas in law and main arguments

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

1. Unfounded refusal, by omission and failure to take a decision, of the request made to the European Central Bank to take action on the basis of a complaint submitted by the applicants on 27 November 2015, related to certain unlawful and unfounded acts carried out by the Banco de Portugal.
2. Lack of impartiality, transparency, integrity, competence, efficiency and responsibility, breach of the principle of equality before the law (infringement of Article 20 of the Charter of Fundamental Rights).

3. Infringement of essential procedural requirements, infringement of the Treaties and of rules of law relating to their application, misuse of powers.
4. Favourable treatment and protection of IC Millenium/Bcp regarding the use of the financial system for money laundering and non-compliance with European Union obligations concerning the free movement of capital.
5. Infringement of Article 11(3) of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC and Regulation (EC) No 2006/2004 ('Unfair Commercial Practices Directive').

Action brought on 21 January 2016 — Sovena Portugal — Consumer Goods v OHIM — Mueloliva (FONTOLIVA)

(Case T-24/16)

(2016/C 106/44)

Language in which the application was lodged: English

Parties

Applicant: Sovena Portugal — Consumer Goods, SA (Lisbon, Portugal) (represented by: D. Martins Pereira, lawyer)

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

Other party to the proceedings before the Board of Appeal: Mueloliva, SL (Cordoba, Spain)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: International registration designating the European Union in respect of the word mark 'FONTOLIVA' — International registration No 1 107 792 designating the European Union

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of OHIM of 4 November 2015 in Case R 1813/2014-2

Form of order sought

The applicant claims that the Court should:

- admit this action;
- dismiss the contested decision in its entirety;
- rectify the contested decision, based on the grounds in this action and declare the granting of protection to International Trademark No 1 107 792 FONTOLIVA in respect of the European Union;
- condemn OHIM in the incurred expenses by the applicant, including the expenses made in the case which run with OHIM;
- condemn the other party in the case to bear the applicant's costs in the OHIM proceedings.

Pleas in law

- Lapse of earlier Spanish trademark No 780 071 FUENOLIVA;
- Insufficiency of the evidence of genuine use of earlier trademark;