

**Order of the President of the General Court of 5 July 2013  
— Zweckverband Tierkörperbeseitigung v Commission**

(Case T-309/12 R)

*(Interim measures — Payment of contributions to an association governed by public law — State aid — Obligation to recover — Application to suspend enforcement — Urgency)*

(2013/C 260/74)

Language of the case: German

**Parties**

*Applicant:* Zweckverband Tierkörperbeseitigung in Rhineland-Palatinate, Saarland, Rheingau-Taunus-Kreis and Landkreis Limburg-Weilburg (Rivenich, Germany) (represented by: A. Kerkmann, lawyer)

*Defendant:* European Commission (represented by: R. Sauer and T. Maxian Rusche, acting as Agents)

*Interveners in support of the defendant:* Saria Bio Industries AG & Co. KG (Selm, Germany); SecAnim GmbH (Lünen, Germany); and Knochen- und Fett-Union (KFU) GmbH (Selm) (represented by: U. Karpenstein and C. Johann, lawyers)

**Re:**

Application for suspension of enforcement of Commission Decision (2102/485/EU) of 25 April 2012 on State aid SA.25051 (C 19/10) (ex NN 23/2010) granted by Germany to the Zweckverband Tierkörperbeseitigung in Rhineland-Palatinate, Saarland, Rheingau-Taunus-Kreis and Landkreis Limburg-Weilburg (O) 2012 L 236, p. 1).

**Operative part of the order**

1. The application for interim measures is dismissed.
2. Costs are reserved.

**Order of the President of the General Court of 17 July 2013 — Borghezio v Parliament**

(Case T-336/13 R)

*(Interim relief — European Parliament — Measure excluding a Member of Parliament from his political group — Application to suspend enforcement — Manifest inadmissibility of the main action — Inadmissibility of the application — Lack of urgency)*

(2013/C 260/75)

Language of the case: French

**Parties**

*Applicant:* Mario Borghezio (Turin, Italy) (represented by: H. Laquay, lawyer)

*Defendant:* European Parliament (represented by: N. Lorenz, N. Görlitz and M. Windisch, acting as Agents)

**Re:**

Application to suspend the enforcement of the measure of the European Parliament taken in the form of a declaration of its President at the plenary session of 10 June 2013, according to which, as from 3 June 2013, the applicant is to be regarded as a non-attached member and is thus excluded from the political group 'Europe of Freedom and Democracy' as from that date.

**Operative part of the order**

1. The application for interim relief is rejected.
2. Costs are reserved.

**Action brought on 27 June 2013 — Groupe Léa Nature/OHIM — Debonaire Trading (SO'BiO étic)**

(Case T-341/13)

(2013/C 260/76)

Language in which the application was lodged: English

**Parties**

*Applicant:* Groupe Léa Nature (Périgny, France) (represented by: S. Arnaud, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Debonaire Trading Internacional, Lda (Funchal, Portugal)

**Form of order sought**

The applicant claims that the Court should:

- Declare the application admissible;
- Annul decision R 203/2011-1 of the First Board of Appeal for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 26 March 2013, notified 18 April 2013;
- Order DEBONAIRE TRADING INTERNACIONAL LDA and OHIM each to bear the costs, which they have incurred in the course of the proceedings before the General Court.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The word mark 'SO'BiO étic', for goods in classes 3, 24 and 25 — Community trade mark application No 6 827 281

*Proprietor of the mark or sign cited in the opposition proceedings:* The other party to the proceedings before the Board of Appeal

*Mark or sign cited in opposition:* Community trade mark registrations and United Kingdom trade mark registrations of the word mark ‘SO...?’ *et al.*, for goods in classes 3 and 25

*Decision of the Opposition Division:* Rejected the opposition

*Decision of the Board of Appeal:* Annulled the contested decision and rejected the CTM application with respect to all goods claimed in classes 3 and 25

*Pleas in law:* Infringement of Article 8 (1)(b) and (5) of CTMR.

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**Action brought on 28 June 2013 — Out of the blue/OHIM — Dubois *et al.* (FUNNY BANDS)**

**(Case T-344/13)**

(2013/C 260/77)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* Out of the blue KG (Lilienthal, Germany) (represented by: G. Hasselblatt and D. Kipping, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Frédéric Dubois *et al.* (Lasne, Belgium)

**Form of order sought**

The applicant claims that the Court should:

- Overturn the Decision of the Second Board of Appeal of 4 April 2013, Case R 542/2012-2;
- Order OHIM to bear its own costs as well as the costs of the applicant;
- In the event that Mr. DUBOIS joins in these proceedings as an intervening party, order the intervening party to bear its own costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The other party to the proceedings before the Board of Appeal

*Community trade mark concerned:* The word mark containing the word element ‘FUNNY BANDS’ for goods and services in classes 14, 17 and 35 — Community trade mark application No 9 350 794

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

*Mark or sign cited in opposition:* German non-registered sign ‘FUNNY BANDS’ several goods and services and activities

*Decision of the Opposition Division:* Rejected the opposition

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Article 8(4) of Council Regulation No 207/2009.

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**Action brought on 4 July 2013 — Zentralverband des Deutschen Bäckerhandwerks *v* Commission**

**(Case T-354/13)**

(2013/C 260/78)

*Language of the case:* German

**Parties**

*Applicant:* Zentralverband des Deutschen Bäckerhandwerks e.V. (Berlin, Germany) (represented by: I. Jung, M. Teworte-Vey, A. Renvert and J. T. Saatkamp, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the General Court should:

- annul the defendant’s decision of 8 April 2013 in the cases ‘Kołocz śląski/Kołacz śląski’ — Schlesischer Streuselkuchen (Ref. Ares [2013] 619104 — 10 April 2013).

**Pleas in law and main arguments**

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

**1. First plea in law: incorrect legal basis**

- The applicant claims that the defendant erred in law in basing its decision concerning the applicant’s request for cancellation of the registration of ‘Kołocz śląski/Kołacz śląski’ as a protected geographical indication on the new version of Regulation (EU) No 1151/2012, <sup>(1)</sup> in force at the time of the defendant’s decision, instead of on the old Regulation (EC) No 510/2006, <sup>(2)</sup> in force at the time when the applicant submitted its request. The defendant thereby infringed the principle of *tempus regit actum*.