

**Action brought on 21 July 2017 — Fifth Avenue Entertainment v EUIPO — Commodore Entertainment Corporation (THE COMMODORES)**

**(Case T-459/17)**

(2017/C 309/47)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Fifth Avenue Entertainment LLC (Orlando, Florida, United States) (represented by: B. Brandreth, barrister and D. Cañadas Arcas, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Commodore Entertainment Corporation (Saint Paul, Minnesota, United States)

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* EU word mark 'THE COMMODORES' — Application for registration No 13 370 077

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 22 May 2017 in Case R 851/2016-5

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- payment of the appellant's cost.

**Pleas in law**

- Infringement of Article 8(4) of No 207/2009;
- Infringement of Article 8(2)(c) of No 207/2009.

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**Action brought on 26 July 2017 — TP v Commission**

**(Case T-464/17)**

(2017/C 309/48)

*Language of the case: Italian*

**Parties**

*Applicant:* TP (represented by: W. Limuti, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul and withdraw the contested decision and annul all consequent acts stemming therefrom, including implied acts and acts not known to the applicant, cancelling all consequent effects adversely affecting the applicant and impacting on his legal and financial interests, and ensure that the matter will be treated in such a way as to enable the applicant, after having obtained the necessary information, to set out his views, so that the new decision may be taken in compliance with the principles of trust, legality and transparency;