

Further, the applicant submits that the contested decision is unlawful because of a breach of the duty to provide reasons for the acts of an authority for the purposes of Article 256 EC.

In addition, the applicant's rights of defence have been infringed inasmuch as its application to inspect the file was rejected, thus making it impossible for the applicant to determine the criterion used to justify the demand for repayment.

The applicant complains also that the support contract was not validly terminated, and that the conditions for its termination also did not exist. In that regard, it claims, inter alia, that the termination of the contract and the demand for repayment of the financial support advanced constitute an infringement of the principle of protection of legitimate expectations.

(¹) Council Decision 95/563/EC of 10 July 1995 on the implementation of a programme encouraging the development and distribution of European audiovisual works (Media II — Development and distribution) (1996-2000) (OJ 1995 L 321, p. 25).

Action brought on 22 August 2007 — Grohe v OHIM — Compañía Roca Radiadores (ALIRA)

(Case T-315/07)

(2007/C 235/48)

Language in which the application was lodged: German

Parties

Applicant: Grohe AG (Hemer, Germany) (represented by: A. Lensing-Kramer, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Compañía Roca Radiadores, S.A.

Form of order sought

- Annul the decision of the Fourth Board of Appeal of 19 June 2007 in Case R 850/2006-4;
- alternatively, annul or amend the contested decision in so far as it finds that there is a similarity of goods between 'kitchen faucets' and 'cast-iron bathtubs' and, consequently, a likelihood of confusion between the opposing signs;
- alternatively, annul or amend the contested decision in so far as it finds that there is a phonetic similarity in Spain between the mark applied for and the opposing mark and,

consequently, in that respect a likelihood of confusion between the opposing signs;

- alternatively, annul or amend the contested decision in so far as it finds that there is a lack of recognition in Spain of the name AKIRA in relation to a Japanese comic and, consequently, in that respect a likelihood of confusion between the opposing signs;
- order the Office for Harmonisation in the Internal Market to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant.

Community trade mark concerned: Word mark 'ALIRA' for goods in Class 11 (Application No 2 766 640).

Proprietor of the mark or sign cited in the opposition proceedings: Compañía Roca Radiadores, S.A.

Mark or sign cited in opposition: Spanish word mark 'AKIRA' for goods in Class 11 (No 2 045 604).

Decision of the Opposition Division: Opposition allowed; registration refused.

Decision of the Board of Appeal: Appeal dismissed.

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 40/94 (¹), as there is no likelihood of confusion between the opposing marks.

(¹) Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).

Action brought on 20 August 2007 — Commercy v OHIM — easyGroup IP Licensing (easyHotel)

(Case T-316/07)

(2007/C 235/49)

Language in which the application was lodged: German

Parties

Applicant: Commercy AG (Weimar, Germany) (represented by: F. Jaschke, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: easyGroup IP Licensing Limited