

3. Breach of essential procedural requirements under European Community legislation.

The applicant submits that the contested decision was adopted in a manner which infringed essential procedural requirements inasmuch as, first, the Commission breached the provisions of Directive 2003/87/EC by essentially refusing, in the contested decision, to review Decision C(2006) 5613 final, and second, the contested decision is inappropriately and inadequately reasoned and consequently the requirements set out in Article 253 EC and Article 9(3) of Directive 2003/87 have been breached. Furthermore, the Commission failed to comply with the procedural requirement in that directive relating to the duration of the assessment.

4. Manifest misappraisal.

In the opinion of the applicant, when it examined Lithuania's amended national allocation plan, the Commission, first, failed to take account of the specific and objective circumstances which were stressed by Lithuania and which led to the level of pollution emissions which arose, and, second, applied an inappropriate method of calculation and based itself on inaccurate data, which led to the fixing of an incorrect maximum quantity of pollution emission allowances granted to Lithuania.

(¹) Commission Decision of 13 July 2007 on the amendment of the national plan for the allocation of greenhouse gas emission allowances notified by Lithuania under Article 3(3) of Commission Decision C(2006) 5613 (final) on the national plan for the allocation of greenhouse gas emission allowances notified by Lithuania under Directive 2003/87/EC of the European Parliament and the Council.

Action brought on 26 September 2007 — Patrick Holding v OHIM — Cassera (Patrick Exclusive)

(Case T-370/07)

(2007/C 283/65)

Language in which the application was lodged: English

Parties

Applicant: Patrick Holding ApS (Fredensborg, Denmark) (represented by: J. Løje, lawyer)

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

Other party to the proceedings before the Board of Appeal: Cassera SpA. (Milan, Italy)

Form of order sought

— The applicant requests that the decision taken by the Second Board of Appeal of the Office for Harmonisation in the

Internal Market (Trade Marks and Designs) on 26 July 2007 in case R1447/2005-2 be annulled;

— that the defendant is ordered to register the contested trademark;

— that the defendant pays the costs.

Pleas in law and main arguments

Applicant for the Community trade mark: Patrick Holding ApS

Community trade mark concerned: The Community figurative mark 'PATRICK EXCLUSIVE' for goods in class 25 — application No 2 946 424

Proprietor of the mark or sign cited in the opposition proceedings: Cassera SpA

Mark or sign cited: The Community word mark 'G. Patrick' for goods in class and 25 and the national and international word mark 'G. Patrick' for goods in classes 24 and 25

Decision of the Opposition Division: Upheld the opposition in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8(1)(b) of the Council Regulation (EC) No 40/94.

Action brought on 24 September 2007 — Dimos Kerateas (Municipality of Keratea) v Commission of the European Communities

(Case T-372/07)

(2007/C 283/66)

Language of the case: Greek

Parties

Applicant: Municipality of Keratea (Attiki, Greece) (represented by: A. Papakonstantinou and M. Khaidarlis)

Defendant: Commission of the European Communities

Form of order sought

The Court is asked to:

— annul Commission Decision E(2004) 5611 of 22 December 2004 concerning the grant of assistance from the Cohesion Fund for the 'Solid Waste Management Project of the First Attiki District Management Unit in South East Attiki and the Second District Management Unit in Trizinia, 1. Hygienic Landfill Site in the integrated waste management facility at "Vragoni", Keratea-Lavreotiki, in South East Attiki, 2. Waste transport depot of the Second Attiki District Management Unit in Trizinia';