

In support of its application, the applicant puts forward a plea in law alleging an infringement of the rights of the defence inasmuch as the Commission, contrary to the principle of the right to be heard, based the demand for reimbursement on time sheets and conclusions drawn by OLAF of which the applicant had no knowledge.

In the alternative, the applicant contests the Commission's application of Article 26 of Annex II to the contract and its finding that the facts of the case were sufficiently serious to invoke the concept of serious financial irregularity justifying a full reimbursement of the payments on account.

(<sup>1</sup>) Fifth European Community Framework Programme covering Research, Technological Development and Demonstration activities 1998-2002.

**Action brought on 10 December 2007 — Evropaïki Dynamiki v EFSA**

(Case T-457/07)

(2008/C 51/87)

*Language of the case: English*

**Parties**

*Applicant:* Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis, lawyer)

*Defendant:* European Food Safety Authority (EFSA)

**Form of order sought**

- Annul the decision of EFSA to evaluate the applicant's bid as not successful and award the contract to the successful contractor;
- order EFSA to pay the applicant's legal and other costs and expenses incurred in connection with this application.

**Pleas in law and main arguments**

The applicant submitted a bid in response to the defendant's call for an open tender for the provision of IT consultancy assistance (OJ 2007/S 97-118626). The applicant contests the defendant's decision of 1 October 2007 to reject the applicant's bid and to award the contract to another tenderer.

In support of its application, the applicant submits that EFSA failed to state reasons in accordance with Article 253 EC and, in

particular, inform the applicant of the relative merits of the successful tenderer. According to the applicant, EFSA mixed selection criteria with award criteria when evaluating the bids and used evaluation criteria that were not expressly included in the call for tender. Furthermore, the applicant alleges that EFSA committed manifest errors of assessment.

**Action brought on 17 December 2007 — Dominio de la Vega v OHIM — Ambrosio Velasco (DOMINIO DE LA VEGA)**

(Case T-458/07)

(2008/C 51/88)

*Language in which the application was lodged: Spanish*

**Parties**

*Applicant:* Dominio de la Vega, S.L. (Requena, Spain) (represented by: E. Caballero Oliver, lawyer and A. Sanz-Bernell y Martín, 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:* Ambrosio Velasco, S.A. (Dicastillo, Navarra, Spain)

**Form of order sought**

- Annul the decision of the Board of Appeal of OHIM of 3 October 2007 (Case R 1431/2006-2) and consequently dismiss the opposition filed by Ambrosio Velasco, S.A.;
- Order OHIM to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Dominio de la Vega, S.L.

*Community trade mark concerned:* Figurative mark 'DOMINIO DE LA VEGA' for goods in Classes 33, 42 and 43 (Application No 2.789.576).

*Proprietor of the mark or sign cited in the opposition proceedings:* Ambrosio Velasco, S.A.

*Mark or sign cited in opposition:* Figurative Community trade mark 'PALACIO DE LA VEGA' for goods in Class 33.

*Decision of the Opposition Division:* Opposition upheld for all those goods, in Class 33, against which it was directed, and rejection of the application for those goods.