

**Form of order sought**

- Annul the Commission's decision;
- Order the Commission to pay the costs.

**Pleas in law and main arguments**

The applicants challenge the Commission's decision of 10 May 2007 (OJ 2007 C 227, p. 4) concerning the Flemish rules on support for inter-modal transport via inland waterways (Aid measure N 682/2006 — Belgium). In the contested decision the Commission regards the support measure as compatible with the common market and decides not to raise any objection.

In support of their application, the applicants claim that there has been an infringement of the principle of non-discrimination laid down in Council Regulation (EEC) No 1107/70 of 4 June 1970 on the granting of aids for transport by rail, road and inland waterway (OJ English Special Edition, 1970(II), p. 362) and Articles 12 and 73 EC. They state that the subsidy is available on the transshipment of containers in Flemish inland ports when the containers enter or leave the European Union via a Flemish sea port but not when a sea port is in another Member State. They claim that this constitutes discrimination on grounds of nationality.

They also argue that the subsidy leads to a distortion of competition, as it seriously disadvantages all ports in north-west Europe which trade with the Flemish hinterland, and particularly the port of Rotterdam.

They also plead infringement of the obligation to investigate and state reasons. They maintain that the Commission has failed to investigate the consequences for competition and to explain why an economic investigation was not necessary.

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**Action brought on 20 December 2007 — Cabel Hall Citrus v OHIM — Casur (EGLÉFRUIT)**

(Case T-488/07)

(2008/C 64/73)

*Language in which the application was lodged: English***Parties**

**Applicant:** Cabel Hall Citrus Ltd (Grand Cayman, Cayman Islands) (represented by: C. Rogers, Barrister)

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

*Other party to the proceedings before the Board of Appeal:* Casur S. Coop. Andaluza (Viator, Spain)

**Form of order sought**

- Annul the decision of 19 September 2007 of the First Board of Appeal of OHIM in Case R 293/2007-1;
- direct the relevant Cancellation Division of OHIM to declare invalid Community trade mark registration No 3 517 431 EGLÉFRUIT;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

*Registered Community trade mark subject of the application for a declaration of invalidity:* The word mark 'EGLÉFRUIT' for goods and services in classes 29, 30 and 31 — Community trade mark No 3 517 431

*Proprietor of the Community trade mark:* Casur S. Coop. Andaluza

*Party requesting the declaration of invalidity of the Community trade mark:* The applicant

*Trade mark right of the party requesting the declaration of invalidity:* The Community and national word and figurative marks 'UGLI' for goods in classes 29, 31 and 32

*Decision of the Cancellation Division:* Rejection of the request for a declaration of invalidity

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

*Pleas in law:* Infringement of Article 52(1)(a) of Council Regulation No 40/94 because the Board of Appeal misapplied the test of likelihood of confusion between the conflicting trade marks.

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**Action brought on 21 December 2007 — Insight Direct USA v OHIM — Net Insight (Insight)**

(Case T-489/07)

(2008/C 64/74)

*Language in which the application was lodged: English***Parties**

**Applicant:** Insight Direct USA, Inc. (Tempe, United States) (represented by: M. Gilbert and M. Moore, Solicitors)