

Action brought on 4 June 2008 — Amertranseuro International Holdings and Others v Commission**(Case T-212/08)**

(2008/C 197/55)

*Language of the case: English***Parties**

Applicants: Amertranseuro International Holdings Ltd (London, United Kingdom), Trans Euro Ltd (London, United Kingdom) and Team Relocations Ltd (London, United Kingdom) (represented by: L. Gyselen, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- Annul Article 2(i) of the Commission Decision of 11 March in Case COMP/38.543 — International removal services, in so far as it holds the applicants jointly and severally liable for Team Relocations NV's alleged infringement of Article 81 EC and Article 53 EEA in the period of January 1997 to September 2003;
- in the alternative, annul Article 2(i) of this Commission decision in so far as it does not effectively limit the joint and several liability of Amertranseuro Ltd to the amount of EUR 1,3 million;
- order the costs of the proceedings to be borne by the Commission.

Pleas in law and main arguments

The applicants seek partial annulment, pursuant to Article 230 EC, of Commission Decision C(2008) 926 final of 11 March (Case COMP/38.543 — International removal services) ('the contested decision'), relating to a proceeding under Article 81(1) EC and Article 53(1) EEA. More specifically, the applicants seek the annulment of Article 2(i) of the contested decision in so far as it holds them jointly and severally liable for the alleged participation of Team Relocations NV ('TRNV') in the infringement described in Article 1 of the contested decision.

The applicants put forward two pleas in law in support of their claims:

First, they submit that the Commission erred by holding all three of them liable in spite of the fact that they were neither aware, nor could have been aware of TRNV's involvement in the alleged infringement. Second, the applicants claim that the Commission misused its powers by imposing a fine which they are unable to pay.

Action brought on 9 June 2008 — Paul Alfons Rehbein v OHIM — Hervé Dias Martinho and Manuel Dias Martinho (Outburst)**(Case T-214/08)**

(2008/C 197/56)

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

Applicant: Paul Alfons Rehbein (GmbH & Co.) KG (Glinde, Germany) (represented by: T. E. Lampel, lawyer)

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

Other parties to the proceedings before the Board of Appeal: Hervé Dias Martinho and Manuel Carlos Dias Martinho (Le Plessis Tréville, France)

Form of order sought

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 13 March 2008 in case R 1261/2007-2; and
- order OHIM to pay the costs incurred by the applicant.

Pleas in law and main arguments

Applicant for the Community trade mark: The other parties to the proceedings before the Board of Appeal

Community trade mark concerned: The figurative mark 'Outburst' for goods in classes 16, 18 and 25 — application No 4 318 333

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited: The national word mark 'Outburst' for goods in class 25 — German trade mark registration No 399 40 713

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

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of Article 43(2) and (3) of Council Regulation No 40/94 as the earlier national trade mark has been put to genuine use in connection with the goods and services in respect of which it is registered; infringement of