

Proprietor of the mark or sign cited in the opposition proceedings:
Unión de Agricultores, S.A.

Mark or sign cited in opposition: Community trade mark
'UNIAGRO' for goods in class 31.

Decision of the Opposition Division: Opposition partly upheld.

Decision of the Board of Appeal: Appeal dismissed.

Pleas in law: Breach of Article 8(1)(b) of Regulation No 40/94, in that OHIM misinterpreted that provision, and breach of Article 12(a) and (b) of Regulation No 40/94, in that the decision of OHIM prevents the applicant from using the name of its proprietor and the designation of the geographical origin of the goods.

Action brought on 24 September 2008 — CEAHR v Commission

(Case T-427/08)

(2008/C 313/80)

Language of the case: English

Parties

Applicant: Confédération Européenne des Associations d'Horlogers-Réparateurs (CEAHR) (Brussels, Belgium) (represented by: P. Mathijssen, lawyer)

Defendant: Commission of the European Communities

Form of order sought

— Annul Commission Decision SG-Greffe(2008) D/204448 of 10 July 2008;

— Order the Commission to pay the costs.

Pleas in law and main arguments

In the present case, the applicant seeks the annulment of Commission Decision SG-Greffe(2008) D/204448 of 10 July 2008 by which the Commission rejected, for lack of Community interest, the applicant's complaint regarding the alleged violations of Article 81 and 82 EC in connection with the watch manufacturers' refusal to supply spare parts to independent watch repairers [Case C(2008) 3600].

In support of its claims the applicant argues that the Commission infringed the Treaty by deforming the applicant's complaint and thus, using materially incorrect facts in its decision.

Furthermore, the applicant submits that the Commission committed errors in law and infringed Articles 81 and 82 EC by deciding that the watch manufacturers complained of didn't held a dominant position and that their refusal to sell spare parts outside the selective distribution system didn't constitute an abuse of their dominant position. The applicant also contests the Commission's conclusions that there were agreements or concerted practices between watch manufacturers.

The applicant contends that the Commission misused its power by using the argument of lack of Community interest after a four-year investigation of the applicant's complaint.

Moreover, the applicant claims that the Commission failed to state reasons thereby infringing Article 253 EC.

Finally, in the applicant's opinion, the Commission infringed the principle of impartiality in investigating its complaint.

Action brought on 30 September 2008 — STEF v Commission

(Case T-428/08)

(2008/C 313/81)

Language of the case: English

Parties

Applicant: Samband tónskálda og eigenda flutningsréttar (STEF) (Reykjavík, Island) (represented by: H. Melkorka Óttarsdóttir, lawyer)

Defendant: Commission of the European Communities

Form of order sought

— Annul Article 3 of the Commission decision of 16 July 2008 relating to a proceeding under Article 81 EC and Article 53 EEA (Case COMP/C2/38.698 — CISAC); and

— Order the Commission to pay the costs.