

The applicant puts forward the following arguments in support of its action:

- Infringement of Article 10 of Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) ⁽¹⁾.
- Inapplicability of Article 14 of the Standard administrative provisions Life — nature, in so far as the applicant has always acted properly and consistently in a spirit of cooperation and has always responded promptly to each of the Commission's requests. Moreover, the 'Pneuma' project was realised in full, made functional and tested.
- Discriminatory nature of the decision in question and infringement of the general principle of protection of legitimate expectations.

⁽¹⁾ OJ L 192, 28.7.2000, p. 1.

Action brought on 17 November 2008 — CM Capital Markets v OHIM — Carbon Capital Markets (CARBON CAPITAL MARKETS Emissions Compliance Solutions & Carbon Finance)

(Case T-490/08)

(2009/C 6/82)

Language in which the application was lodged: Spanish

Parties

Applicant: CM Capital Markets Holding SA (Madrid, Spain) (represented by: J. Calderón Chavero and T. Villate Consonni, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Carbon Capital Markets Ltd (London, United Kingdom)

Form of order sought

- annul the decision of the First Board of Appeal of OHIM of 3 September 2008 in Case R-16/2008-1, which would lead to the rejection of the contested trade mark in its entirety;

— uphold the applicant's claims;

— order OHIM to pay the costs of the present proceedings should they be contested and reject its claims.

Pleas in law and main arguments

Applicant for a Community trade mark: Carbon Capital Markets Limited.

Community trade mark concerned: Figurative mark 'CARBON CAPITAL MARKETS (Emissions Compliance Solutions & Carbon Finance)' (Application No 4.480.349), for services in Class 36.

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

Mark or sign cited in opposition: Community figurative mark 'Capital Markets' (Application No 3.409.281), for services in Classes 35, 36 and 42; Spanish figurative mark 'Capital Markets', for services in Class 36.

Decision of the Opposition Division: Rejection of the opposition.

Decision of the Board of Appeal: Rejection of the appeal.

Pleas in law: Infringement of Article 8(1)(b) of Regulation No 40/94 on the Community trade mark.

Order of the Court of First Instance of 17 November 2008 — Hynix Semiconductor v Council

(Case T-383/03) ⁽¹⁾

(2009/C 6/83)

Language of the case: English

The President of the Sixth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 21, 24.1.2004.