

Union. A notice of open competition cannot therefore arbitrarily limit to just three the languages which candidates may choose from as a second language and as the language in which correspondence and the competition tests will be conducted. Moreover, Article 28 of the Staff Regulations requires candidates to have knowledge of a second Community language in addition to their own national language and does not confer any special status on English, French or German.

Finally, the applicant pleads infringement of Article 253 EC and of the principle of the protection of legitimate expectation.

(¹) Regulation No 1 determining the languages to be used by the European Economic Community (OJ English Special Edition, 1952-1958, p. 59)

Action brought on 3 June 2009 — ERGO Versicherungsgruppe v OHIM — Société de Développement et de Recherche Industrielle (ERGO)

(Case T-220/09)

(2009/C 180/110)

Language in which the application was lodged: German

Parties

Applicant: ERGO Versicherungsgruppe (Düsseldorf, Germany) (represented by: V. von Bomhard, A Renck, T. Dolde and J. Pause, 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: Société de Développement et de Recherche Industrielle SAS (Chenôve, France)

Form of order sought

— Annul the decision of the Fourth Board of Appeal of OHIM of 20 March 2009 in Case No R 515/2008-4;

— order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: the word mark 'ERGO' for goods and services in Classes 3 and 5 (registration application No 3 292 638)

Proprietor of the mark or sign cited in the opposition proceedings: Société de Développement et de Recherche Industrielle SAS

Mark or sign cited in opposition: the word mark 'URGO' for goods in Classes 3 and 5 (Community trade mark No 989 863)

Decision of the Opposition Division: opposition upheld in part

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) 207/2009 (¹)) on the grounds that there was no likelihood of confusion between the two opposing marks.

(¹) Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1)

Action brought on 3 June 2009 — ERGO Versicherungsgruppe v OHIM — Société de Développement et de Recherche Industrielle (ERGO Group)

(Case T-221/09)

(2009/C 180/111)

Language in which the application was lodged: German

Parties

Applicant: ERGO Versicherungsgruppe AG (Düsseldorf, Germany) (represented by: V. von Bomhard, A. Renck, T. Dolde and J. Pause, 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: Société de Développement et de Recherche Industrielle SAS (Chenôve, France)

Form of order sought

— Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 20 March 2009 in Case R 520/2008-4; and

— Order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'ERGO' for goods and services in Classes 3 and 5 (Application No 3 296 449)

Proprietor of the mark or sign cited in the opposition proceedings: Société de Développement et de Recherche Industrielle SAS

Mark or sign cited in opposition: The word mark 'URGO' (Community trade mark No 989 863) for goods and services in Classes 3 and 5