

Fourth, the applicant submits that its bid has been subject to an unreasonable and disproportional evaluation by the contracting authority leading to the errors of assessment which vitiate the final decision.

<sup>(1)</sup> JO 2008/S 242-321376

<sup>(2)</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 248, p. 1)

**Action brought on 17 July 2009 — Deutsche Steinzeug Cremer & Breuer v OHIM (CHROMA)**

(Case T-281/09)

(2009/C 244/09)

*Language of the case: German*

**Parties**

*Applicant:* Deutsche Steinzeug Cremer & Breuer AG (Frechen, Germany) (represented by J. Albrecht, lawyer)

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

**Form of order sought**

— Annul the decision of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (Fourth Board of Appeal) of 8 May 2009, in so far as the application for registration of the mark in respect of the requested goods in Classes 19 and 11 was rejected;

— order OHIM to pay the costs.

**Pleas in law and main arguments**

*Community trade mark concerned:* The word mark 'CHROMA' for goods and services in Classes 11, 19 and 37 (Application No 6 731 103)

*Decision of the Examiner:* Registration rejected in part.

*Decision of the Board of Appeal:* Appeal dismissed.

*Pleas in law:* Infringement of Article 7(1)(b) and (c) of Regulation (EC) No 207/2009, <sup>(1)</sup> in that the word 'CHROMA' has no directly descriptive meaning.

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

**Appeal brought on 17 July 2009 by Herbert Meister against the judgment of the Civil Service Tribunal delivered on 18 May 2009 in Joined Cases F-138/06 and F-37/08 Meister v OHIM**

(Case T-284/09 P)

(2009/C 244/10)

*Language of the case: German*

**Parties**

*Appellant:* Herbert Meister (Muchamiel, Spain) (represented by H.-J. Zimmermann, lawyer)

*Other party to the proceedings:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

**Form of order sought by the appellant**

— That the judgment of the Civil Service Tribunal of 18 May 2009 in Case F-37/08 Meister v OHIM be set aside;

— that OHIM be ordered to pay the costs.

**Pleas in law and main arguments**

The appeal is brought against the judgment of the Civil Service Tribunal of 18 May 2009 in Joined Cases F-138/06 and F-37/08 Meister v OHIM, in which, inter alia, the appellant's pleas in Case F-37/08 were rejected.

In support of his appeal, the appellant claims primarily that, the Civil Service Tribunal breached its duty of neutrality and objectivity, that it did not carry out an accurate assessment of the facts of the case but rather a one-sided assessment, and that it distorted the facts of the case. Furthermore, the Civil Service Tribunal is criticised for improper procedural confusion regarding the respective subject-matter of Case F-138/06 and Case F-37/08. In addition, the appellant alleges that the Civil Service Tribunal erred in law in its judgment on the facts of the case. Lastly, the appellant criticises the Civil Service Tribunal's decision on costs.

The appellant takes the view that the Civil Service Tribunal, by its infringements, also breached its duty to provide lawful grounds for the judgment under appeal.