

Action brought on 10 August 2009 — E v Parliament

(Case T-326/09)

(2009/C 256/56)

*Language of the case: French***Parties***Applicant:* E (London, United Kingdom) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)*Defendant:* European Parliament**Form of order sought**

— annul the decision adopted by the Bureau of the Parliament of 9 March and 3 April 2009 amending the Additional Voluntary Pension Scheme for Members of the European Parliament;

— order the Parliament to pay the costs.

Pleas in law and main arguments

By the present action, the applicant seeks annulment of the decisions of the Bureau of the European Parliament of 9 March and 3 April 2009 amending the rules on the Additional (Voluntary) Pension Scheme in Annex VIII of the Rules governing the payment of expenses and allowances to Members of the European Parliament. The amendments essentially concern the withdrawal of the possibility to take early retirement from age 50 and the possibility to receive the pension as a lump sum, and the raising of the retirement age from 60 to 63 years.

The pleas in law and main arguments invoked by the applicant are, in essence, identical or similar to those invoked in the context of Case T-219/09 *Balfe and Others v Parliament* ⁽¹⁾.

⁽¹⁾ OJ 2009 C 205, p. 39.

Action brought on 25 August 2009 — Häfele v OHIM — Topcom Europe (Topcom)

(Case T-336/09)

(2009/C 256/57)

*Language in which the application was lodged: English***Parties***Applicants:* Häfele GmbH & Co. KG (Nagold, Germany) (represented by: J. Dönch, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Topcom Europe NV (Heverlee, Belgium)**Form of order sought**

— Repeal the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 5 June 2009 in case R 1500/2008-2; and

— Order the defendant to bear the costs.

Pleas in law and main arguments*Applicant for the Community trade mark:* The applicant*Community trade mark concerned:* The word mark “Topcom”, for goods in classes 7, 9 and 11*Proprietor of the mark or sign cited in the opposition proceedings:* The other party to the proceedings before the Board of Appeal*Mark or sign cited:* Community trade mark registration of the word mark “TOPCOM” for goods in class 9; Benelux trade mark registration of the word mark “TOPCOM” for goods in class 9.*Decision of the Opposition Division:* Rejected the opposition*Decision of the Board of Appeal:* Upheld the appeal, allowed the opposition and annulled the decision of the Opposition Division*Pleas in law:* Infringement of Article 8(1)(b) Council Regulation 40/94 (which became Article 8(1)(b) of Council Regulation 207/2009) as the Board of Appeal wrongly held that there was a likelihood of confusion between the trade marks concerned, due to the fact that the goods in question are not similar nor complementary.**Action brought on 24 August 2009 — Colegio Oficial de Farmacéuticos de Valencia v Commission**

(Case T-337/09)

(2009/C 256/58)

*Language of the case: Spanish***Parties***Applicant:* Colegio Oficial de Farmacéuticos de Valencia (Valencia, Spain) (represented by: E. Navarro Varona, lawyer)*Defendant:* Commission of the European Communities