

Form of order sought

- annul, under Articles 230 and 231 EC, the Commission decision of 15 June 2009 partly denying access to information requested by the applicant by means of its initial application of 23 October 2008 and its confirmatory application of 19 January 2009.
- order the Commission to pay the costs incurred by the applicant.

Pleas in law and main arguments

This action is brought against the decision of the Commission of the European Communities partly refusing access to certain documents drawn up by the consultants ECORYS Nederland BV for the preparation of the report titled 'Study of regulatory restrictions in the field of pharmacies' of 22 June 2007 for the defendant's Directorate General Internal Market and Services.

In support of its claims, the applicant alleges infringement of Article 4(2) and Article 8 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. ⁽¹⁾

The applicant claims that the contested decision:

- does not contain an adequate statement of reasons.
- errs in its assessment of the exception relating to the commercial interests of a legal person, including intellectual property.
- contains a manifest error of reasoning, by not taking into account that there is an overriding public interest.
- Fails to comply with the prescribed periods for replying to the confirmatory application for access to the documents.

⁽¹⁾ OJ L 145 of 31.5.2001, p. 43

Action brought on 27 August 2009 — Consejo Regulador de la Denominación de Origen Txakoli de Álava and Others v OHIM (TXAKOLI)

(Case T-341/09)

(2009/C 256/59)

Language of the case: Spanish

Parties

Applicants: Consejo Regulador de la Denominación de Origen Txakoli de Álava (Amurrio, Spain), Consejo Regulador de la

Denominación de Origen Txakoli de Bizkaia (Leioa, Spain), Consejo Regulador de la Denominación de Origen Txakoli de Getaria (Getaria, Spain) (represented by J. Grimau Muñoz and J. Villamor Muguerza, lawyers)

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

Form of order sought

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market of 4 June 2009 in Case R 197/2009-2 and allow the application for registration of 'TXAKOLI' as a Community trade mark (collective word mark) for Classes 33, 35, 41 and 42.
- Order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Collective word mark 'TXAKOLI' (Application No 6 952 014) for goods and services in Classes 33, 35, 41 and 42.

Decision of the Examiner: Application refused.

Decision of the Board of Appeal: Appeal dismissed.

Pleas in law: Incorrect application of Article 7(1)(c) of Regulation No 207/2009 inasmuch as that provision is not applicable to the term 'Txakoli' since the latter is considered to be a traditional term by Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products. ⁽¹⁾

⁽¹⁾ OJ 2002 L 118, p. 1.

Action brought on 28 August 2009 — Bard v OHIM — Braun Melsungen (PERFIX)

(Case T-342/09)

(2009/C 256/60)

Language in which the application was lodged: English

Parties

Applicants: C.R. Bard, Inc. (Murray Hill, United States) (represented by: A. Bryson, Barrister, O. Bray, A. Hobson and G. Warren, Solicitors)