

Third, the applicant contends that the imposition of the fine on the applicant will directly cause its bankruptcy as well as its elimination as a competitor on the relevant market. Thus, according to the applicant, the Commission has violated Article 3(1)(g) EC by distorting or eliminating competition on the relevant market.

Action brought on 16 September 2009 — Commission v Association Fédération Club B2A

(Case T-356/09)

(2009/C 267/139)

Language of the case: French

Parties

Applicant: Commission of the European Communities (Étupes, France) (represented by: A.-M. Rouchaud-Joët and N. Bambara, acting as Agents, and E. Bouttier, lawyer)

Defendant: Association Fédération Club B2A

Form of order sought

- order the Fédération, represented by its President, to pay to the applicant the amount of ... euros ... corresponding to the principal sum of EUR 62 500 and the sum of ... euros ... in late-payment interest falling due on ...;
- order the Fédération to pay the sum of EUR 7 000 in order to cover the costs incurred by the Commission in recovering its debt;
- order the Fédération to pay the costs of the present case.

Pleas in law and main arguments

The European Community, represented by the Commission, concluded a grant contract in respect of a project for the 'creation and operation of a federation of regional networks of Business Angels for Eastern France'. The project, during which the Commission paid, as an advance, the sum of EUR 62 500 to the defendant, was completed on 30 September 2002.

In that contract, the defendant undertook, inter alia, to provide a final report. Since an incomplete report was provided, the Commission put the defendant on formal notice to produce a

report that met the objectives. Since that letter of formal notice and numerous other letters went unanswered by the defendant, the Commission sent a debit note and then an order for recovery of the amount of EUR 62 500 to the defendant.

Since that debt remains unpaid, the Commission is seeking an order that the defendant pay the sum due and the losses suffered in order to cover the entirety of the expenses which the Commission has had to incur in order to recover its debt, submitting that a) the defendant has failed to fulfil its obligations laid down in the contract by failing to submit a full final report and b) payment of the sum of EUR 62 500 by the Commission was made as an advance pending acceptance of the final report.

Action brought on 15 September 2009 — Pucci International v OHIM — El Corte Inglés (Emidio Tucci)

(Case T-357/09)

(2009/C 267/140)

Language in which the application was lodged: English

Parties

Applicants: Emilio Pucci International BV (Baarn, The Netherlands) (represented by: M. Boletto, E. Gavuzzi, G. Lazzarretti and P. Roncaglia, lawyers)

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

Other party to the proceedings before the Board of Appeal: El Corte Inglés, SA (Madrid, Spain)

Form of order sought

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 18 June 2009 in joined cases R 770/2008-2 and R 826/2008-2, in so far as it accepted registration of Community trade mark application No 3 679 594 "Emidio Tucci" for all the goods and services it covers in classes 1, 2, 4-17, 19, 20, 21, 22, 23, 26-45;
- Order the defendant to pay the costs incurred by the applicant during these proceedings; and