

Action brought on 21 April 2010 — Zitro IP v OHIM — Show Ball Informática (BINGO SHOWALL)**(Case T-179/10)**

(2010/C 161/83)

*Language in which the application was lodged: Spanish***Parties***Applicant:* Zitro IP Sàrl (Luxembourg) (represented by: A. Canela Giménez, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal of OHIM:* Show Ball Informática Ltda**Form of order sought**

- Annul the decision of OHIM, and
- Order OHIM to pay the costs.

Pleas in law and main arguments*Applicant for a Community trade mark:* Zitro IP.*Community trade mark concerned:* Word mark 'BINGO SHOWALL' (application for registration No 6 059 919), for goods and services in Classes 9, 28 and 41*Proprietor of the mark or sign cited in the opposition proceedings:* Show Ball Informática.*Mark or sign cited in opposition:* Community figurative mark (No 5 092 275) containing the word element 'SHOW BALL', for goods and services in Classes 9 and 42.*Decision of the Opposition Division:* Partial rejection of the application for registration.*Decision of the Board of Appeal:* Dismissal of the appeal.*Pleas in law:* Incorrect interpretation and application of Article 8(1)(b) of Regulation No 207/2009 on the Community trade mark.**Action brought on 16 April 2010 — Nickel Institute v Commission****(Case T-180/10)**

(2010/C 161/84)

*Language of the case: English***Parties***Applicant:* Nickel Institute (Toronto, Canada) (represented by: K. Nordlander, lawyer and H. Pearson, Solicitor)*Defendant:* European Commission**Form of order sought**

- Declare the application for annulment admissible;
- Annul the Commission Decision SG.E3/HP/psi-Ares(2010)65824 of 8 February 2010 to refuse full access to certain documents requested by the applicant under Regulation (EC) No 1049/2001 ⁽¹⁾; and
- Order the Commission to pay the costs.

Pleas in law and main argumentsBy means of the present application, the applicant seeks, pursuant to Article 263 TFUE, the annulment of Commission Decision SG.E3/HP/psi — Ares(2010)65824 of 8 February 2010 to refuse full access to certain documents requested by the applicant under Regulation (EC) No 1049/2001. The decision confirmed, *inter alia*:

- The decision of the acting Director-General of the Commission's legal service to refuse full access to seven documents giving the opinion of this service on the draft of Commission Directive 2008/58/EC ⁽²⁾;
- The decision of the Director of Directorate D of DG Environment to refuse full access to two documents giving opinions of other Commission directorates-general on the draft of Commission Directive 2008/58/EC; and
- That no document, record or correspondence (including any follow up documents or comments thereon) exists in the Commission's possession in which the legal service gives its view on the draft of Commission Directive 2009/2/EC. ⁽³⁾