

Secondly, the contested decision contains errors of assessment relating to the exception provided for in Article 4(1)(b) of Regulation (EC) No 1049/2001 in that it states that the disclosure of the relevant documents would infringe the privacy interests of the individuals concerned and/or fails to appreciate the true nature of Article 4(1)(b), and/or holds that the public interest in access to public registers of the assistants of the European Parliament members declines once the person is no longer in such position.

In addition, the contested decision infringes essential procedural requirements by failing to inform the applicants of the remedies open to them upon refusal of a confirmatory application, as provided for in Article 8 of Regulation (EC) No 1049/2001.

Finally, the contested decision breaches the principles of democracy, transparency, proportionality, equality and non-discrimination by refusing access to public documentation when such documentation was previously available to applicants under Regulation (EC) No 1049/2001.

- (¹) 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, OJ L 145, p. 43.
- (²) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ L 8, p. 1.

Action brought on 29 April 2010 — Avery Dennison Corp. v OHIM — Dennison Hesperia (AVERY DENNISON)

(Case T-200/10)

(2010/C 161/88)

Language in which the application was lodged: Spanish

Parties

Applicant: Avery Dennison Corp. (represented by: E. Armijo Chávarri and A. Castán Pérez-Gómez, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Dennison Hesperia, S.A. (Torrejón de Ardoz, Spain)

Form of order sought

— annul or, in the alternative, amend the Decision of the Second Board of Appeal of OHIM of 9 February 2010 in case R 798/2009-2;

— order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Avery Dennison Corp.

Community trade mark concerned: Word mark 'AVERY DENNISON' (Application No 3 825 114) for goods and services in Classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 16, 17, 19, 20, 22, 24, 28, 35, 37, 38, 39, 40, 41 and 42

Proprietor of the mark or sign cited in the opposition proceedings: Dennison Hesperia, S.A.

Mark or sign cited in opposition: Spanish trade mark 'DENNISON' (No 1 996 088) for goods in Class 16.

Decision of the Opposition Division: Opposition partially upheld.

Decision of the Board of Appeal: Appeal dismissed.

Pleas in law: Incorrect interpretation of Articles 42(2) and (3) and, in the alternative, Article 8(1)(b) of Regulation No 207/09 on the Community trade mark.

Order of the General Court of 16 April 2010 — DB Schenker Rail Deutschland v Commission

(Case T-109/04) (¹)

(2010/C 161/89)

Language of the case: German

The President of the Eighth Chamber has ordered that the case be removed from the register.

(¹) OJ C 146, 29.5.2004.

Order of the General Court of 13 April 2010 — Unity OSG FZE v Council

(Case T-511/08) (¹)

(2010/C 161/90)

Language of the case: English

The President of the Second Chamber has ordered that the case be removed from the register.

(¹) OJ C 32, 7.2.2009.