

— order that trade mark 5635867 ROSALIA DE CASTRO be granted in respect of Classes 32, 33 and 35;

— order the defendant to pay the costs, annulling the costs which the applicant was ordered to pay in the appeal.

Pleas in law and main arguments

Applicant for a Community trade mark: Cooperativa Vitivinícola Arousana, S. Coop. Galega.

Community trade mark concerned: Word mark 'ROSALIA DE CASTRO' for goods and services in Classes 32, 33 and 35.

Proprietor of the mark or sign cited in the opposition proceedings: Doña Constantina Sotelo Ares.

Mark or sign cited in opposition: Spanish word mark 'ROSALIA' for goods and services in Class 33.

Decision of the Opposition Division: Opposition rejected.

Decision of the Board of Appeal: Appeal allowed and opposition upheld.

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009,⁽¹⁾ since there is no likelihood of confusion between the marks at issue.

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

Action brought on 17 September 2010 — Global Steel Wire v Commission

(Case T-429/10)

(2010/C 301/99)

Language of the case: Spanish

Parties

Applicant: Global Steel Wire, SA (Cerdanyola del Vallés, Spain) (represented by: F. González Díaz and A. Tresandí Blanco, lawyers)

Defendant: European Commission

Form of order sought

— Principally, annul, under Article 263 of the Treaty on the Functioning of the European Union (TFEU), Commission Decision C(2010) 4387 (final) of 30 June 2010 in Case COMP 38344 — Prestressing steel;

— in the alternative, annul or reduce, under Article 261 TFEU, the amount of the fine imposed by that decision;

— in any event, order the Commission to pay the costs.

Pleas in law and main arguments

The contested decision in these proceedings is the same as in Case T-426/10 (*Moreda-Rivière Trefilerías v Commission*).

The pleas in law and main arguments are similar to those advanced in that case.

In particular, the applicant submits that the European Commission failed to meet the standard of proof required by Community case-law when it held GSW liable for the conduct of its subsidiaries. The European Commission did not prove that GSW was able to exercise a decisive influence over the conduct of the companies in which it held shares.