

Form of order sought

- Annul the contested decision as far as the non-closure of the investigation and the rejection of access to the applicant's personal file are concerned; and
- Order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies primarily on the plea of breach of law, as well as the duty to state reasons in support of the decision to continue the investigation beyond any reasonable time and not to have it closed.

Further, the applicant relies on the plea of breach of the duty to state reasons in support of the decision not to allow access to the investigation file.

Lastly, the applicant alleges breaches of fundamental rights and general principles of law, in particular of the principle of good administration, presumption of innocence and right of defence.

Action brought on 5 August 2011 — Golden Balls v OHIM — Intra-Press (GOLDEN BALLS)

(Case T-448/11)

(2011/C 298/46)

Language in which the application was lodged: English

Parties

Applicant: Golden Balls Ltd (London, United Kingdom) (represented by: M. Edenborough, QC, and S. Smith, Solicitor)

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

Other party to the proceedings before the Board of Appeal: Intra-Press (Boulogne-Billancourt, France)

Form of order sought

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 22 June 2011 in case R 1432/2010-1, in so far as it held that the appeal before the Board of Appeal was successful in respect of certain goods and services in classes 9, 28 and 41; and
- Order the defendant to pay the applicant's costs occasioned by this appeal, or alternatively, order the other party to the proceedings before the Board of Appeal to pay the applicant's costs occasioned by this appeal.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'GOLDEN BALLS' for goods and services in classes 9, 28 and 41 — Community trade mark application No 6036503

Proprietor of the mark or sign cited in the opposition proceedings: The other party to the proceedings before the Board of Appeal

Mark or sign cited in opposition: Community trade mark registration No 4226148 of the word mark 'BALLON D'OR', for amongst others goods and services in classes 9, 14, 16, 18, 25, 28, 38 and 41

Decision of the Opposition Division: Rejected the opposition

Decision of the Board of Appeal: Annulled the decision of the Opposition Division and partially accepted the opposition and the appeal

Pleas in law: Infringement of Article 8(1)(b) of Council Regulation No 207/2009, as the Board of Appeal wrongly assumed that there is a perceived conflict between the Community trade mark application and the earlier mark.

Action brought on 10 August 2011 — Galileo International Technology v OHIM — ESA (GALILEO)

(Case T-450/11)

(2011/C 298/47)

Language in which the application was lodged: English

Parties

Applicant: Galileo International Technology LLC (Bridgetown, Barbados) (represented by: S. Malynicz, Barrister, M. Blair and K. Gilbert, Solicitors)

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

Other party to the proceedings before the Board of Appeal: European Space Agency (ESA) (Paris, France)

Form of order sought

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 April 2011 in case R 1423/2005-1; and
- Order the defendant and the other party to the proceedings before the Board of Appeal to pay their own costs and those of the applicant.

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The figurative mark 'GALILEO' for services in class 42 — Community trade mark application No 2742237

Proprietor of the mark or sign cited in the opposition proceedings: The applicant