

3. The third ground of appeal alleges breach of the right of defence. In the appellant's view, the finding of the Civil Service Tribunal that that principle does not apply in the case where a temporary employment contract based on mutual trust has been terminated is contrary to the case-law of the European Union Courts and to the findings of the International Labour Organisation.
4. The fourth ground of appeal alleges that the Civil Service Tribunal misconstrued the consequences of the breach of Article 10 of the Parliament's internal rules [on the recruitment of officials and other servants] by ruling that the dismissal decision could not be set aside on grounds of breach of the duty of prior notification of the Staff Committee.
5. The fifth ground of appeal alleges infringement of the principle of impartiality.
6. The sixth ground of appeal alleges breach of the duty to give reasons, as, in the appellant's view, no reasons whatsoever were given for the decision of 10 July 2007.
7. The seventh ground of appeal alleges a breach of the right to effective judicial procedure, in view of the fact that the Civil Service Tribunal ruled that it did not have jurisdiction to assess the correctness and seriousness of the grounds of dismissal.
8. The eighth ground of appeal alleges that there was a manifest error of assessment in that the appellant's dismissal was not based on factual evidence.

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Action brought on 22 August 2011 — Natura Selection v OHIM — Menard (natura)

(Case T-461/11)

(2011/C 340/52)

Language in which the application was lodged: Spanish

Parties

Applicant: Natura Selection SL (Barcelona, Spain) (represented by: E. Sugrañes Coca, lawyer)

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

Other party to the proceedings before the Board of Appeal: Ernest Menard SA (Bourseul, France)

Form of order sought

The applicant claims that the Court should:

— admit the present application;

- require OHIM to produce in these proceedings the evidence of reputation to which the applicant referred during the appeal procedure in Case R 2454/2010-2 and which is identified in paragraph 39 of the application;
- annul the decision of the Second Board of Appeal of OHIM of 8 June 2011 in Case R 2454/2010-2 and the decision of the Opposition Division of 21 October 2010 in Case B 1072513;
- grant full registration to figurative mark No 4 713 368 'natura', refused by opposition B 1072513 for goods in Class 20;
- order OHIM to pay all the costs of the proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: Natura Selection

Community trade mark concerned: Figurative mark 'natura' for goods and services in Classes 14, 20, 25 and 35.

Proprietor of the mark or sign cited in the opposition proceedings: Ernest Menard SA.

Mark or sign cited in opposition: Word mark 'natura' for goods and services in Classes 19 and 20.

Decision of the Opposition Division: Opposition upheld.

Decision of the Board of Appeal: Appeal dismissed.

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

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

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Action brought on 9 September 2011 — France v Commission

(Case T-478/11)

(2011/C 340/53)

Language of the case: French

Parties

Applicant: French Republic (represented by: E. Belliard, G. de Bergues, J. Gstalter and J. Rossi, acting as Agents)

Defendant: European Commission

Form of order sought

— Annul the contested decision;

— Order the Commission to pay the costs.