

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Indesit Company SpA

*Community trade mark concerned:* Figurative mark 'quadrio' for goods in Class 11 — Application No 7 313 158

*Proprietor of the mark or sign cited in the opposition proceedings:* ILVE-Industria Lavorazione Veneta Elettrodomestici SpA

*Mark or sign cited in opposition:* Word mark 'QUADRA' for goods in Class 11

*Decision of the Opposition Division:* Opposition upheld

*Decision of the Board of Appeal:* Appeal dismissed

*Pleas in law:* Infringement of Article 8(1)(b) and (5) of Regulation No 207/2009

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**Action brought on 28 May 2012 — Saobraćajni institut CIP v Commission**

(Case T-219/12)

(2012/C 227/40)

*Language of the case:* English

**Parties**

*Applicant:* Saobraćajni institut CIP d.o.o. (Belgrade, Serbia) (represented by: A. Lojpur, lawyer)

*Defendant:* European Commission

**Form of order sought**

— Annul a call for tender published on 27 March 2012, concerning preparation of technical documentation for the rail modernization project 'Doubling and upgrading of existing railway corridor Xb, section Novi Sad (excluding the junction)–Subotica–Hungarian border' in accordance with EU interoperability standards, AGC, AGTC and the SEECF Agreement (OJ 2012/S 60-096517), excluding the applicant from participating in it;

— Award damages for the alleged pecuniary loss;

— Order the defendant to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicant relies on three pleas in law.

## 1. First plea in law, alleging

— that there was no legal ground for *a priori* exclusion of the applicant in participating in a call for tender in question since there was no conflict of interest;

## 2. Second plea in law, alleging

— that the applicant's exclusion from tender is contrary to IPA Regulation <sup>(1)</sup>;

## 3. Third plea in law, alleging

— that the conditions for awarding the contract were unlawful.

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<sup>(1)</sup> Council Regulation (EC) No 1085/2006 of 17.7.2006 establishing an Instrument for Pre-Accession Assistance (IPA) (OJ L 210, p. 82)

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**Action brought on 24 May 2012 — National Trust for Scotland v OHIM — Comhairle na Eilean Siar (ST KILDA)**

(Case T-222/12)

(2012/C 227/41)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* National Trust for Scotland (Edinburgh, United Kingdom) (represented by: J. MacKenzie, Solicitor)

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

*Other party to the proceedings before the Board of Appeal:* Comhairle na Eilean Siar (Isle of Lewis, United Kingdom)

**Form of order sought**

— that the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade marks and Designs) dated 26 March 2012, in case R 310/2011-4, should be annulled in its entirety and that the application be refused;

— that OHIM and any intervening parties in this Appeal shall bear their own costs and pay the Applicant's costs of these proceedings and those of the Appeal procedure before the Board of Appeal.

**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 word mark ST KILDA for goods and services in classes 9, 16, 35, 39, 41 and 43 — Community trade mark application No 8 283 871