

- Order the defendant to bear the costs of the proceedings before the Office for Harmonisation;
- Order the intervener to bear the costs of the proceedings before the Office for Harmonisation.

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 'F1H2O' , for goods and services in classes 9, 25, 38 and 41 — International Registration No 925 383 designating the European Union

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

Mark or sign cited in opposition: International Registration No 732 134, British trade mark No 2277746B, Community trade mark No 3 934 387, International registration N 845 571, Benelux trademark No 749 056, British trade mark No 2277746 D, Community trade mark No 631 531, Community trade mark No 3 429 396, International Registration No 714 320, International Registration No 823 226 and Benelux trade mark No 732 601 of the mark 'F1 et al.' for goods and services in classes 1, 3, 4, 7, 8, 9, 11, 12, 14, 16, 18, 21, 24, 25, 28, 29, 30, 32 to 36, 38, 39 and 41 to 43

Decision of the Opposition Division: Rejected the opposition

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 8(1)(b) and (5) of Council Regulation No 207/2009.

Action brought on 30 January 2013 — ClientEarth and Stichting BirdLife Europe v Commission

(Case T-56/13)

(2013/C 101/50)

Language of the case: English

Parties

Applicants: ClientEarth (London, United Kingdom); and Stichting BirdLife Europe (Zeist, Netherlands) (represented by: O. Brouwer, lawyer)

Defendants: European Commission

Form of order sought

The applicants claim that the Court should:

- Annul the defendant's refusal of their request for access to the latest draft of a literature review, on the so-called 'carbon-debt' of bioenergy derived from biomass, pursuant to 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, and Regulation (EC) No 1367/2006 on the application of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community Institutions and Bodies; and
- Order the defendant to pay applicants' costs for conducting these proceedings including the costs of any intervening parties.

Pleas in law and main arguments

In support of the action, the applicants rely on a single plea in law.

The applicants contend that as a result of its failure to address them with an express decision regarding their request for access within the time-limits for the processing of confirmatory applications contained in Articles 8(1) and 8(2) of Regulation (EC) No 1049/2001, the defendant impliedly refused access within the meaning of Article 8(3). Further, the applicants state that this implied refusal decision was unmotivated and therefore they submit that it should be annulled for the reason of the Commission's breach of its obligation to state reasons under Article 8(1) of Regulation (EC) No 1049/2001, Article 41(2), 3rd indent of the Charter of Fundamental Rights of the European Union and Article 296 TFEU.

Action brought on 6 February 2013 — Reiner Appelrath-Cüpper/OHIM — Ann Christine Lizenzmanagement (AC)

(Case T-60/13)

(2013/C 101/51)

Language in which the application was lodged: English

Parties

Applicant: Reiner Appelrath-Cüpper Nachf. GmbH (Cologne, Germany) (represented by: C. Schumann and A. Berger, lawyers)

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

Other party to the proceedings before the Board of Appeal: Ann Christine Lizenzmanagement GmbH & Co. KG (Braunschweig, Germany)