2. The second plea in law relates to the fact that the contested decision is marred by inconsistency, inasmuch as the Court of Auditors expressly acknowledged Ms S.'s shortcomings whilst refusing to refer the matter of Ms S. to the Court of Justice.

3. The third plea in law alleges that there is no relevant reasoning to enable the applicants to assess the merits of the contested decision.

4. The fourth plea in law alleges infringement of the principle of legitimate expectations and an abuse of rights, inasmuch as the Court of Auditors examined the expediency of referring the matter of Ms S. to the Court of Justice only a year and a day after the external investigator had submitted the report.

Action brought on 4 March 2013 — Pro-Aqua International/OHIM — Rexair (WET DUST CAN'T FLY)

(Case T-133/13)

(2013/C 123/37)

Language in which the application was lodged: English

Parties

Applicant: Pro-Aqua International GmbH (Ansbach, Germany) (represented by: T. Raible, lawyer)

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

Other party to the proceedings before the Board of Appeal: Rexair LLC (Troy, United States)

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 17 December 2012 (in case R 211/2012-2);

— Order OHIM to pay the costs, including those incurred in the proceedings before OHIM and the Board of Appeal of OHIM.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: The word mark 'WET DUST CAN'T FLY' for products and services of classes 3, 7 and 37 (Community trade mark registration No 6 668 073)

Proprietor of the Community trade mark: The other party to the proceedings before the Board of Appeal

Applicant for the declaration of invalidity of the Community trade mark: The applicant

Grounds for the application for a declaration of invalidity: The grounds of the request for a declaration of invalidity were those laid down in Article 52(1)(a) in conjunction with Article 7(1)(b) and (c) of Council Regulation No 207/2009

Decision of the Cancellation Division: Rejected the request for a declaration of invalidity

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(b) and (c) of Council Regulation No 207/2009.

Action brought on 11 March 2013 — Hanwha SolarOne and Others v Parliament and Others

(Case T-136/13)

(2013/C 123/38)

Language of the case: English

Parties

Applicants: Hanwha SolarOne (Qidong) Co. Ltd (Qidong, China); Hanwha SolarOne Technology Co. Ltd (Lianyungang, China); Hanwha SolarOne Solar Technology (Shanghai) Co. Ltd (Shanghai, China); et Hanwha Solar Electric Power Engineering Co. Ltd (Qidong) (represented by: F. Graafsma, lawyer)

Defendants: European Parliament, European Commission and Council of the European Union

Form of order sought

The applicants claim that the Court should:

— Annul Regulation (EU) No 1168/2012 of the European parliament and of the Council of 12 December 2012 amending Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community (OJ 2012 L 344/1), insofar as it was applied to the applicants;

— Annul the Commission's decision of 3 January 2013 by which it refused to consider the applicants' market economy treatment (MET) claims; and

— Order the defendants to pay the applicants' costs.