

**Action brought on 6 September 2013 — Systran v Commission**

(Case T-481/13)

(2013/C 336/57)

*Language of the case: French***Parties***Applicant:* Systran SA (Paris, France) (represented by: J. Hoss, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the decisions of 5 July 2013 and 21 August 2013 taken by the European Commission, alternatively, by the European Union;
- order the European Commission and the European Union to pay all the costs.

**Pleas in law and main arguments**

By the present action, the applicant seeks the annulment of the decisions of the Commission by which, following the judgment of the Court of Justice of 18 April 2013 in Case C-103/11 P *Commission v Systran and Systran Luxembourg* [2013] ECR I-0000, it recovers compensatory interest, plus interest for delay from 19 August 2013, on the amount that the Commission had paid to the applicant by way of damages following the judgment of the General Court of 16 December 2010 in Case T-19/07 *Systran and Systran Luxembourg v Commission* [2010] ECR II-6083, annulled by the judgment of the Court of Justice.

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

1. First plea in law, alleging the Commission's lack of competence to take the contested decisions, in so far as the Commission lacks competence to grant compensatory interest to itself, since such interest may be granted solely by a court where the interest is intended to compensate for damage resulting from a party's failure to carry out its obligations. The applicant claims that the grant of compensatory interest is not part of the realisation of the effects of a judgment of the Court of Justice.
2. Second plea in law, alleging an infringement of general principles of European law, both in the light of the grant of interest and the general principle of the prohibition of unjust enrichment. The applicant claims that:
  - the Commission infringed the general principle of European law, alternatively, the principle common to

the Member States relating to the grant of compensatory interest, by granting compensatory interest to itself, in the absence of any harmful event attributable to the applicant;

- the Commission infringed the general principle of the prohibition of unjust enrichment by imposing on a legal person governed by private law an obligation not provided for by the Treaties and, in any event, in the light of the calculation of the amount of interest, by granting an amount of flat-rate interest increased by 2 % in respect of inflation.

3. Third plea in law, alleging that the Commission misused its powers, in so far as it may not rely on Article 299 TFEU in order to seek payment of compensatory interest in the absence of a legal basis conferring that power on it and of a judicial decision ordering the applicant to pay it.

**Action brought on 16 September 2013 — La Rioja Alta v OHIM — Aldi Einkauf (VIÑA ALBERDI)**

(Case T-489/13)

(2013/C 336/58)

*Language in which the application was lodged: Spanish***Parties***Applicant:* La Rioja Alta, SA (Haro, Spain) (represented by: F. Pérez Álvarez, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Aldi Einkauf GmbH & Co. OHG (Essen, Germany)**Form of order sought**

The applicant claims that the General Court should:

- annul the decision of the Fourth Board of Appeal of OHIM in Case R 1190/2011-4 of 9 July 2013;
- declare valid Community trade mark No 3 189 065 'VIÑA ALBERDI' for 'Alcoholic beverages (except beers), except wines from Italy' in Class 33 of the International Nice Classification;
- order OHIM and the other parties before the Court to pay the costs of these proceedings.

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* Word mark 'VIÑA ALBERDI' for goods in Classes 30, 32 and 33 — Community trade mark registration No 3 189 065