

— Order the defendant to pay the costs of proceedings.

### **Pleas in law and main arguments**

*Community trade mark concerned:* The word mark 'THE LEADERSHIP COMPANY' for services in Classes 35 and 44 — Community trade mark application No 11 031 457

*Decision of the Examiner:* Refused to register the trade mark applied for

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Articles 7(1)(b), (c) and 7(2) CTMR.

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## **Action brought on 20 January 2014 — Ludwig-Bölkow-Systemtechnik v Commission**

**(Case T-53/14)**

(2014/C 129/30)

*Language of the case: German*

### **Parties**

*Applicant:* Ludwig-Bölkow-Systemtechnik GmbH (Ottobrunn, Germany) (represented by: M. Núñez Müller and T. Becker, lawyers)

*Defendant:* European Commission

### **Form of order sought**

- Declare that, in the context of Contracts SES6-CT-2004-502596 (HyWays), SES6-CT-2005-019813 (HyApproval) and SES6-CT-2005-513542 (HarmonHy) concluded between the Commission and, inter alia, the applicant, the applicant calculated its project costs in accordance with the applicable contractual provisions, in particular Article II.19 of the General Conditions, and that the Commission has thus infringed its contractual obligations in so far as it calculated the applicant's project costs differently when issuing debit notes No 3241314522 and No 3241315423 (HyWays); No 3241314527 and No 3241314526 (HyApproval); and No 3241314519 and No 3241313756 (HarmonHy);
- declare that, in the context of Contract SES6-CT-2004-502596 (HyWays), the applicant received a financial contribution from the Community of only EUR 495 269.48, and that in issuing its debit notes No 3241314522 and No 3241315423, the Commission thus wrongly proceeded on the assumption that the applicant had been granted a financial contribution of EUR 604 240.79;
- declare that the costs which, in the context of Contract SES-CT-2005-019813 (HyApproval), were reclassified by the Commission on the basis of the Final Audit Report of 15 July 2011 from management costs (MGT) to research costs (RTD) are in fact management costs;
- declare that the applicant is not required under the aforementioned contracts to pay liquidated damages pursuant to Article II.30 of the General Conditions;
- declare that, with the exception of the amount of EUR 1 323.02 in respect of debit note No 3241314523 (HyWays), EUR 3 870.02 in respect of debit note No 3241314527 (HyApproval), and EUR 16 868.66 in respect of debit note No 3241314519 (HarmonHy), the Commission wrongly issued the abovementioned debit notes, and that, with the exception of the amounts mentioned here, the amounts stated in the debit notes are not payable by the applicant to the Commission;
- order the Commission to pay the costs of the proceedings.

### **Pleas in law and main arguments**

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

1. First plea in law

The applicant submits under the first plea in law that it used a method of calculation of its project costs which accords with Article II.19 of the General Conditions of the contracts at issue. It therefore takes the view that the Commission was not entitled to query the method of calculation of project costs used by the applicant or to apply a different method of calculation when issuing the debit notes at issue.

2. Second plea in law

The applicant submits that it received a financial contribution of only EUR 495 269.48 in respect of the HyWays project. The Commission therefore wrongly proceeded on the assumption, when issuing the debit notes, that the applicant had been granted a financial contribution of EUR 604 240.79.

3. Third plea in law

The applicant submits under the third plea in law that the Commission wrongly reclassified certain costs in the HyApproval project from 'management' to 'research'.

4. Fourth plea in law

The applicant submits that the Commission is not entitled to claim liquidated damages from it under Article II.30 of the General Conditions of the contracts at issue.

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**Action brought on 23 January 2014 — Blackrock v OHIM (INVESTING FOR A NEW WORLD)**

**(Case T-59/14)**

(2014/C 129/31)

*Language of the case: English*

**Parties**

*Applicant:* Blackrock, Inc. (New York, United States) (represented by: S. Malynicz, Barrister, K. Gilbert and M. Blair, Solicitors)

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

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 31 October 2013 given in Case R 573/2013-1;
- Order the defendant to pay the costs of proceedings.

**Pleas in law and main arguments**

*Community trade mark concerned:* The word mark 'INVESTING FOR A NEW WORLD' for services in Classes 35 and 36 — Community trade mark application No 11 144 706

*Decision of the Examiner:* Found the trade mark applied for not eligible for registration