

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.

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

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(b) and 7(2) CTMR.

Action brought on 27 January 2014 — Stührk Delikatessen Import v Commission

(Case T-58/14)

(2014/C 129/32)

Language of the case: German

Parties

Applicant: Stührk Delikatessen Import GmbH & Co. KG (Marne, Germany) (represented by: J. Sparr, lawyer)

Defendant: European Commission

Form of order sought

- Annul Commission Decision C(2013) 8286 final of 27 November 2013 in Case AT.39633 — Shrimps, notified to the applicant on 29 November 2013, in so far as it concerns the applicant;
- in the alternative, cancel in its entirety the fine imposed on the applicant;
- in the further alternative, reduce the amount of the fine imposed on the applicant and set a fine not exceeding EUR 188 300;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies, inter alia, on the following pleas in law:

- The Commission erred in assuming that the applicant participated in an overall cartel in the Netherlands, Belgium, France and Germany, as the applicant merely took account of the price range provided by two undertakings with significant market power in respect of a customer in Northern Germany and, therefore, merely participated in an anti-competitive agreement which, in geographical and substantive terms, was very limited.
- The applicant submits that it neither supported nor was aware of the other participants' price and volume agreements or customer allocation agreements identified by the Commission in respect of the markets in the Netherlands, Belgium and France.
- The applicant submits that the Commission failed in part to have regard to correctly established facts and erred in part in its assessment of those facts, contrary to the dates and substance of those facts. In that regard the applicant also complains of a failure to take into account numerous mitigating circumstances in the context of the determination of the amount of the fine.
- The applicant further maintains that the Commission's 2006 Guidelines on the method of setting fines and their application are unlawful and contrary to the principle of precision and the framework established by the legislature for the setting of fines.