

**Order of the Court of First Instance of 27 August 2009 —
Abouchar v Commission**

(Case T-367/08) ⁽¹⁾

**(Non-contractual liability — EDF — Conditions for the grant
and control of credits for an agricultural holding project in
Senegal — Limitation period — Inadmissibility)**

(2009/C 256/49)

Language of the case: French

Parties

Applicant: Michel Abouchar (Dakar, Senegal) (represented by: B. Dubreuil-Basire and J.-J. Lorang, lawyers)

Defendant: Commission of the European Communities (represented by: A. Bordes and E. Cujo, Agents)

Re:

Action for damages to compensate for the material and non-material harm allegedly suffered by the applicant as a result of the alleged errors of the Commission and its agents inherent in the conditions of grant and the control of loans financed by the European Development Fund (EDF) for its agricultural holding project in Senegal.

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *Mr Michel Abouchar is ordered to pay the costs.*

⁽¹⁾ OJ C 285, 8.11.2008.

Action brought on 30 July 2009 — EFIM v Commission

(Case T-296/09)

(2009/C 256/50)

Language of the case: German

Parties

Applicant: European Federation of Ink and Ink Cartridge Manufacturers (EFIM) (Cologne, Germany) (represented by: D. Ehle, lawyer)

Defendant: Commission of the European Communities

Form of order sought

— Annul the decision of the Commission of 20 May 2009 in case — COMP/C 3/39.391 EFIM;

— Order the defendant to pay the costs.

Pleas in law and main arguments

The applicant contests the decision of the Commission of 20 May 2009 in case — COMP/C 3/39.391 EFIM. In that decision, the Commission dismissed the applicant's complaint, in which it claimed various infringements of Articles 81 and 82 EC by several manufacturers of ink-jet printers on their markets for ink-cartridges.

In the reasoning for its action, the applicant claims, first, that the Commission did not take into account a large number of important elements of fact and, in so doing, infringed the principle of sound administration, the duty of care, the obligation to state reasons and the right to a fair hearing. Moreover, the applicant contends that the assessments made by the defendant in the contested decision, in particular with regard to the criteria for priority in treatment of the appeal procedure, are obviously incorrect and vitiated by a manifest error of assessment. Finally, it is submitted that an effective protection of competition, against the restrictions alleged by the applicant, can only be safeguarded by the defendant, because the national Competition Authorities and the Courts only have limited territorial jurisdiction.

**Action brought on 29 July 2009 — Gühring v OHIM
(combination of the colours broom yellow and silver grey)**

(Case T-299/09)

(2009/C 256/51)

Language in which the application was lodged: German

Parties

Applicant: Gühring OHG (Albstadt, Germany) (represented by: A. von Mühlendahl and H. Hartwig, lawyers)

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

Form of order sought

— Annul the decision of the First Board of Appeal of OHIM of 30. April 2009 in Case R 1330/2008-1;

— Annul the decision of the defendant's Examination Division dated 21 July 2008, in which it refused registration of the applicant's mark Nr. 6 703 581;

— Declare, that the trade mark applied for No. 6 703 581 complies with the conditions laid down in Article 7(1)(b) of Regulation (EC) No 207/2009 ⁽¹⁾;