

Third, fourth and fifth plea raised by the applicant are identical to the first, second and third plea that it puts forward in Case T-148/10 and concern the alleged violations committed by the Commission when adopting the Article 9 decision making binding upon Rambus certain commitments.

(¹) Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, OJ 2003 L 1, p. 1

Action brought on 26 March 2010 — Telefónica O2 Germany v OHIM — Loopia (LOOPIA)

(Case T-150/10)

(2010/C 148/71)

Language in which the application was lodged: English

Parties

Applicant: Telefónica O2 Germany GmbH & Co. OHG (Munich, Germany) (represented by: A. Fottner and M. Müller, lawyers)

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

Other party to the proceedings before the Board of Appeal: Loopia AB (Västerås, Sweden)

Form of order sought

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 January 2010 in case R 1812/2008-1; and

— Order the defendant to bear the costs, including those related to the appeal proceedings.

Pleas in law and main arguments

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

Community trade mark concerned: The word mark “LOOPIA”, for services in class 42

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited: German trade mark registrations of the word mark “LOOP”, for goods and services in classes 9, 38 and 42; Community trade mark registration of the word mark “LOOP”, for goods and services in classes 9, 16, 35, 38 and 42; Community trade mark registration of the word mark “LOOPY”, for goods and services in classes 9, 38 and 42

Decision of the Opposition Division: Upheld the opposition for all the contested goods

Decision of the Board of Appeal: Annulled the contested decision, rejected the opposition and allowed the application

Pleas in law: Infringement of Article 8(1)(b) of Council Regulation No 207/2009 as the Board of Appeal wrongly found that there was no likelihood of confusion between the trade marks concerned.

Action brought on 1 April 2010 — Bank Nederlandse Gemeenten NV v Commission

(Case T-151/10)

(2010/C 148/72)

Language of the case: Dutch

Parties

Applicant: Bank Nederlandse Gemeenten NV (The Hague, Netherlands) (represented by: B. Drijber, lawyer)

Defendant: European Commission

Form of order sought

— Annul the Commission’s Decision of 15 December 2009 (C(2009) 9963) in so far as concerns the Commission’s finding that the opportunity for housing corporations to borrow from the Bank Nederlandse Gemeenten NV constitutes State aid within the meaning of Article 107(1) TFEU;

— Order the Commission to pay the costs.

Pleas in law and main arguments

The applicant's application is for the partial annulment of Commission Decision C(2009) 9963 final of 15 December 2009 concerning State aid No E 2/2005 and N 642/2009 — The Netherlands, Existing and special project aid to housing corporations.

In support of its application the applicant submits, first, that the contested decision is contrary to Article 107(1) TFEU because the Commission's conclusion that the applicant's loans constituted State aid was based on an incorrect interpretation of the condition for liability.

Second, the contested decision is contrary to Article 107(1) TFEU because the Commission's conclusion that the applicant's loans were not in accordance with market conditions, and therefore contained an advantage, was based on an incorrect interpretation of the facts.

Third, the Commission infringed the obligation to state reasons and the principle of care because, despite the submissions concerning the loans which the applicant put forward through the Netherlands authorities, the Commission found, without any investigation, that the loans were State aid.

Action brought on 30 March 2010 — El Corte Inglés v OHIM

(Case T-152/10)

(2010/C 148/73)

Language in which the application was lodged: Spanish

Parties

Applicant: El Corte Inglés SA (Madrid, Spain) (represented by: J. Rivas Zurdo, M. López Camba and E. Seijo Veiguela, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Azzedine Alaïa (Paris, France)

Form of order sought

— annul the decision of the Fourth Board of Appeal of OHIM;

— order the party or parties which oppose this action to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant.

Community trade mark concerned: Word mark 'ALIA' (application No 3 788 999) for goods in Classes 3, 14, 18 and 25.

Proprietor of the mark or sign cited in the opposition proceedings: The French company Azzedine Alaïa.

Mark or sign cited in opposition: International word mark 'ALAIÁ' (No 773 126) for goods in Classes 3, 18 and 25, Community figurative mark which contains the verbal element 'ALAIÁ' (No 3 485 166), for goods and services in Classes 16, 20 and 25, and the earlier unregistered mark 'ALAIÁ' for the manufacture, sale of clothing, articles for women and fashion accessories.

Decision of the Opposition Division: Opposition upheld in part.

Decision of the Board of Appeal: Appeal dismissed.

Pleas in law: Incorrect interpretation of Article 8(1)(b) of Regulation No 207/2009 on the Community trade mark.
