

Action brought on 30 August 2010 — Rubinetterie Teorema v Commission

(Case T-370/10)

(2010/C 288/111)

*Language of the case: Italian***Parties**

Applicant: Rubinetterie Teorema SpA (Flero, Brescia, Italy) (represented by: R. Cavani, lawyer, M. Di Muro, lawyer, P. Preda, lawyer)

Defendant: European Commission

Form of order sought

- Annul Decision C(2010) 4185 of 23 June 2010;
- In the alternative, impose a token fine;
- In the further alternative, substantially reduce the fine imposed by the decision to such amount as the Court deems appropriate;
- Order the Commission to pay the costs.

Pleas in law and main arguments

The decision contested in these proceedings is the same as that contested in Case T-368/10 *Rubinetteria Cital v Commission*.

The pleas in law and main arguments are similar to those relied on in that case.

In particular, the applicant alleges:

- Infringement of the rights of the defence in relation to Teorema and the consequent invalidity of the decision owing to:
 - the delay in communicating to Teorema the accusations made by the Commission;
 - the difficulties in accessing the file and the lack of an adequate extension of the time-limits;
- The fact that there is no agreement whose purpose or effect is to prevent, restrict or distort competition and/or no adverse effects on Community trade, and

- The incorrect assessment of the evidence relating to the alleged involvement of Teorema in Euroitalia's meetings.

Action brought on 7 September 2010 — Amor v OHIM — Jablonex Group (AMORIKE)

(Case T-371/10)

(2010/C 288/112)

*Language in which the application was lodged: German***Parties**

Applicant: Amor GmbH (Obertshausen, Germany) (represented by: M. Hartmann, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Jablonex Group a.s. (Jablonec nad Nisou, Czech Republic)

Form of order sought

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 June 2010 in Case R 619/2009-2;
- Order OHIM to pay the costs of the proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: Jablonex Group a.s.

Community trade mark concerned: Word mark 'AMORIKE' for goods and services in Classes 14, 25 and 26.

Proprietor of the mark or sign cited in the opposition proceedings: Amor GmbH.

Mark or sign cited in opposition: Internationally-registered word mark 'AMOR' for goods in Class 14; Community figurative marks containing the word element 'Amor' for goods in Classes 14 and 18; national figurative marks containing the word element 'Amor' for goods in Class 25, and national figurative marks which are orange in colour and which contain the word element 'Amor' for goods in Classes 9, 14, 18, 35 and 42.