

**Action brought on 8 November 2010 — Seikoh Giken v OHIM — Seiko (SG SEIKOH GIKEN)**

(Case T-519/10)

(2011/C 13/61)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Kabushiki Kaisha Seikoh Giken (Matsudo-shi, Japan) (represented by: G. Marín Raigal, P. López Ronda and G. Macias Bonilla, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Seiko Kabushiki Kaisha (Chuo-ku, Japan)

**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 August 2010 in case R 1553/2009-1;
- Reject in its entirety the opposition to registration of the mark applied for in respect of the goods in class 25;
- Order the defendant to grant registration of the mark applied for;
- Order the defendant to pay the costs of the current proceedings; and
- Order the other party to the proceedings before the Board of Appeal to pay the costs of the current proceedings, should it become an intervening party in this case.

**Pleas in law and main arguments**

*Applicant for the Community trade mark:* The applicant

*Community trade mark concerned:* The figurative mark 'SG SEIKOH GIKEN', for goods in classes 3, 7 and 9 — Community trade mark application No 908461

*Proprietor of the mark or sign cited in the opposition proceedings:* The other party to the proceedings before the Board of Appeal

*Mark or sign cited:* Community trade mark registration No 2390953 of the word mark 'SEIKO', for goods and services in classes 1– 42

*Decision of the Opposition Division:* Upheld the opposition

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

*Pleas in law:* The applicant considers that the contested decision of the First Board of Appeal infringes the provisions of Council Regulation (EC) No 207/2009, hereinafter CTMR, by a misleading, incorrect interpretation and inappropriate enforcement of Article 8(1)(b) CTMR and the applicable case-law.

**Action brought on 10 November 2010 — Comunidad Autónoma de Galicia v Commission**

(Case T-520/10)

(2011/C 13/62)

*Language of the case: Spanish*

**Parties**

*Applicant:* Comunidad Autónoma de Galicia (Santiago de Compostela, Spain) (represented by: S. Martínez Lage and H. Brokelmann, lawyers)

*Defendant:* Commission

**Form of order sought**

- Annul Decision N 178/2010 of 29 September 2010 approving public-service compensation for Spanish electricity producers;
- order the Commission to pay the costs.

**Pleas in law and main arguments**

This action is brought against the same decision as that challenged in Case T-484/10 *Gas Natural Fenosa SDG v Commission*.

The applicant puts forward three pleas in support of its action:

- Infringement of procedural rights ensured by Article 108(2) TFEU and Article 6 of Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty, <sup>(1)</sup> since the Commission failed to initiate the formal investigation procedure, which it is obliged to do whenever there are serious doubts as to the compatibility of the aid under consideration with the common market.
- Infringement of Regulation (EC) No 1407/2002 of 23 July 2002 on State aid to the coal industry <sup>(2)</sup>.