

In support of its application, the applicant relies on the following pleas:

1. The first plea in law is based on the fact that the refusal by the defendant to investigate the abuses by Microsoft on the EAS/ERP (Enterprise Application Software/Enterprise Resource Planning) market is based on unfounded arguments.
2. The second plea in law is based on the fact that the defendant assessed the importance of the case wrongly, reaching the unfounded and unlawful conclusion that the issue raised by the applicant was of no interest to the EU.
3. The third plea in law is based on the fact that the decision of the defendant not to follow up the applicant's complaint is unlawful and unfounded in that it infringes the rights of the applicant.
4. The fourth plea in law is based on the fact that the decision of the defendant was made without documentation to corroborate Microsoft's statements being available, so that, as a result of that decision, the anti-competitive conduct complained of persists, and the development of the applicant is impeded.

Action brought on 31 January 2011 — Truvo Belgium v OHIM — AOL (TRUVO)

(Case T-77/11)

(2011/C 95/17)

Language in which the application was lodged: English

Parties

Applicant: Truvo Belgium (Antwerp, Belgium) (represented by: O.F.A.W. van Haperen, lawyer)

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

Other party to the proceedings before the Board of Appeal: AOL LLC (Dulles, United States)

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 7 November 2010 in case R 923/2009-2; and
- Order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'TRUVO', for goods and services in classes 9, 16, 35, 38, 41 and 42 — Community trade mark application No 5560099

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 in opposition: Community trade mark registration No 4756169 of the figurative mark 'TRUVEO' for services in class 42

Decision of the Opposition Division: Upheld the opposition for all the contested services in class 38 and 42, and rejected the Community trade mark application for all the contested services

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: The applicant considers that the contested decision infringes Article 8(1)(b) of Council Regulation (EC) No 207/2009, as well as it lacks proper motivation or is otherwise impaired to fulfil lawful demands on European Legal proceedings, as the Board of Appeal erred (i) in its comparison of the services, (ii) in its comparison of the signs, (iii) in its assessment of the relevant public, and (iv) in its assessment of likelihood of confusion.

Action brought on 14 February 2011 — Bamba v Council

(Case T-86/11)

(2011/C 95/18)

Language of the case: French

Parties

Applicant: Nadiany Bamba (Abidjan, Côte d'Ivoire) (represented by: P. Haïk, lawyer)

Defendant: Council of the European Union

Form of order sought

declare Mrs Nadiany BAMBAs action admissible;

- annul Council Regulation (EU) No 25/2011 of 14 January 2011 amending Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire to the extent that it concerns the applicant;
- annul Council Decision 2011/18/CFSP of 14 January 2011 amending Council Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire to the extent that it concerns the applicant;
- order the Council of the European Union to pay the costs in accordance with Articles 87 and 91 of the Rules of Procedure of the General Court.

Pleas in law and main arguments

In support of the action, the applicant puts forward two pleas in law.

1. First plea in law alleging an infringement of the rights of the defence and of the right to a fair hearing provided for in Article 47 of the Charter of Fundamental Rights of the European Union and Articles 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), in that the contested measures:

do not provide for a procedure allowing the applicant to be guaranteed effective exercise of his rights of defence, in particular the right to be heard and the right to the

benefit of a procedure allowing her to effectively request her removal from the list of persons covered by the restrictive measures;

at no time provide for the communication of detailed reasons for the inclusion on the list of persons subject to the restrictive measures;

at no time provide for the interested person to be notified of the methods and time-limits of actions against the decision to include on the list.

2. Second plea in law alleging an infringement of the fundamental right to respect for property enshrined in Article 1 of Additional Protocol No 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.