

2. Second plea in law, alleging misuse of powers by the defendant.
3. Third plea in law, alleging an incorrect assessment of evidence, as well as the inability of the evidence to support the finding of an infringement.
4. Fourth plea in law, alleging an infringement of Article 23(3) of Council Regulation (EC) No 1/2003 ⁽¹⁾ and of the 2006 fining guidelines ⁽²⁾ due to a manifest incorrect assessment of the gravity and duration of the infringement, as well as of the mitigating circumstances, and a breach of the principle of non-discrimination in the calculation of the fine.

⁽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)

⁽²⁾ Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003 (OJ 2006 C 210, p. 2)

Action brought on 29 December 2011 — Morison Menon Chartered Accountants and Others v Council

(Case T-656/11)

(2012/C 58/26)

Language of the case: English

Parties

Applicants: Morison Menon Chartered Accountants (Dubai, United Arab Emirates); Morison Menon Chartered Accountants — Dubai Office (Dubai); and Morison Menon Chartered Accountants — Sharjah Office (Sharjah, United Arab Emirates) (represented by: H. Viaene, T. Ruys and D. Gillet, lawyers)

Defendant: Council of the European Union

Form of order sought

- Annul Council implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran ⁽¹⁾ and Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran ⁽²⁾ insofar as they concern the applicants;
- Order the Council to pay the costs incurred by the applicants, as well as its own.

Pleas in law and main arguments

In support of their action, the applicants rely on three pleas in law.

1. First plea in law, alleging

- an infringement of the duty to state reasons on the part of the Council, as well as the applicants' rights of defence, in particular the right to be heard and to an effective judicial remedy;

2. Second plea in law, alleging

- a manifest error of assessment on the part of the Council;

3. Third plea in law, alleging

- an infringement of the right to property.

⁽¹⁾ OJ L 319, 2.12.2011, p. 11

⁽²⁾ OJ L 319, 2.12.2011, p. 71

Action brought on 21 December 2011 — Commission/OHMI — European Alliance for Solutions and Innovations (EASI European Alliance Solutions Innovations)

(Case T-659/11)

(2012/C 58/27)

Language in which the application was lodged: English

Parties

Applicant: European Commission (represented by: A. Berenboom, A. Joachimowicz, and M. Isgour, lawyers, J. Samnadda, and F. Wilman, Agents)

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

Other party to the proceedings before the Board of Appeal: European Alliance for Solutions and Innovations Ltd (London, United Kingdom)

Form of order sought

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 October 2011 in case R 1991/2010-4;
- Declare therefore invalid the Community trademark No 6112403 registered on 17 October 2008 by the other party to the proceedings before the Board of Appeal in classes 36, 37, 44 and 45; and
- Order the defendant to pay the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: The figurative mark 'EASI European Alliance Solutions Innovations' in the colours 'yellow, light blue, blue', for services in classes 36, 37, 44 and 45 — Community trade mark registration No 6112403

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

Applicant for the declaration of invalidity of the Community trade mark: The applicant

Grounds for the application for a declaration of invalidity: The party requesting the declaration of invalidity grounded its request on absolute grounds laid down in Article 52(1)(a) in conjunction with Article 7(1)(c) and (h) of Council Regulation (EC) No 207/2009

Decision of the Cancellation Division: Rejected the request for declaration of invalidity

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: The contested decision infringes Article 7(1)(h) of Council Regulation No 207/2009 in conjunction with Article 6 ter (1) of the Paris Convention in so far as the Community trade mark ('CTM') has been registered, although its registration falls within the scope of prohibition laid down in those provisions. The contested decision also violates Article 7(1)(g) in so far as such a registration would deceive the public by making them believe that the products and services for which the CTM is registered are approved or endorsed by the European Union or one of its institutions.

Action brought on 28 December 2011 — Veloss and Attimedia v Parliament

(Case T-667/11)

(2012/C 58/28)

Language of the case: English

Parties

Applicants: Veloss International SA (Brussels, Belgium) and Attimedia SA (Brussels) (represented by: N. Korogiannakis, lawyer)

Defendant: European Parliament

Form of order sought

- Annul the decision of the European Parliament to select the bid of the applicants filed in response to the open call for tenders no EL/2011/EU 'Translation into Greek' ⁽¹⁾, as second on the list of successful tenders, communicated to the applicants by letter dated 18 October 2011 and all related decisions taken subsequently by the defendant, including the one to award the respective contract to the first successful tender;
- Order the European Parliament to pay damages to the applicants for loss of opportunity and reputational damage in the amount of 10 000 EUR (euros);
- Order the European Parliament to pay legal and other costs and expenses incurred in connection with the present application, even if it is dismissed by the General Court.

Pleas in law and main arguments

In support of the action, the applicants rely on five pleas in law.

1. First plea in law, alleging

- that the evaluation committee systematically mixed the selection and award criteria and various phases of the tendering procedure;

2. Second plea in law, alleging

- that the European Parliament infringed Article 100 (2) of the Financial Regulation ⁽²⁾ by not disclosing to the applicants the financial offer of the successful tender, in spite of their written request;

3. Third plea in law, alleging

- various shortcomings of the evaluation method applied by the evaluation committee and further, contesting composition of the latter, lack of effectiveness on its part;

4. Fourth plea in law, alleging

- vagueness and unsuitability of the selection and award criteria and taking into account the criteria which have not been notified to the tenderers;

5. Fifth plea in law, alleging

- that the evaluation committee failed to request the proof of the educational profile and the translation experience of the tenderers' staff.

⁽¹⁾ OJ 2011/S 56-090374

⁽²⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25.6.2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1)

Action brought on 12 January 2012 — Laboratoires CTRS v Commission

(Case T-12/12)

(2012/C 58/29)

Language of the case: English

Parties

Applicant: Laboratoires CTRS (Boulogne-Billancourt, France) (represented by: K. Bacon, Barrister, M. Utges Manley, Solicitor, and M. Barnden, Solicitor)

Defendant: European Commission