

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