

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 26 January 2012 (Case R 1209/2011-1), concerning an application for registration of a three-dimensional sign in the shape of a turnbuckle as a Community trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the application;*
2. *Orders Peri GmbH to pay the costs.*

⁽¹⁾ OJ C 184, 23.6.2012.

Judgment of the General Court of 2 October 2014 — Spraylat v ECHA

(Case T-177/12) ⁽¹⁾

(REACH — Fee for registration of a substance — Reduction granted to micro-, small and medium-sized enterprises — Error in declaration relating to the size of the enterprise — Decision imposing an administrative charge — Proportionality)

(2014/C 395/44)

Language of the case: German

Parties

Applicant: Spraylat GmbH (Aachen, Germany) (represented by: K. Fischer, lawyer)

Defendant: European Chemicals Agency (ECHA) (represented by: M. Heikkilä, A. Iber and C. Schultheiss, Agents, and M. Kuschewsky, lawyer)

Intervener in support of the defendant: European Commission (represented initially by: D. Düsterhaus and E. Manhaeve, and subsequently by B. Eggers and M. Manhaeve, Agents)

Re:

Action for annulment of invoice No 10030371 issued by the ECHA on 21 February 2012 setting the amount of the administrative charge imposed on the applicant and a precautionary application to annul Decision SME (2012) 1445 of the ECHA of 15 February 2012 which states that the applicant does not fulfil the conditions to receive a reduction of the fee for small enterprises and imposing an administrative charge on it.

Operative part of the judgment

The Court:

1. *Annuls Decision SME (2012) 1445 of the European Chemicals Agency (ECHA) of 15 February 2012 and invoice No 10030371 issued by the ECHA on 21 February 2012;*
2. *Orders the ECHA to bear its own costs and to pay those incurred by Spraylat GmbH;*
3. *Orders the European Commission to bear its own costs.*

⁽¹⁾ OJ C 174, 16.6.2012.