

- Order the European Commission to pay the applicants compensation of EUR 1 014 400, re-estimated following inflation, until the date of delivery of the future judgment of the General Court liquidating the damage, then increased by late-payment interest to be calculated from that date until payment in full;
- Order the European Commission to pay all the costs, including those incurred by the applicants.

### Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging infringement of Article 89 of the Financial Regulation, <sup>(1)</sup> by twice consecutively awarding the contract in question to ABELAG AVIATION, in the context of framework contracts, without opening it to effective competition since only ABELAG AVIATION was authorised to enter a bid in both cases.
2. Second plea in law, alleging infringement of the third subparagraph of Article 123(1) of the Implementing Regulation <sup>(2)</sup> by awarding the contract in question to ABELAG AVIATION without having admitted a sufficient number of tenderers to ensure true competition by comparing different bids and accepting the most advantageous of them.

<sup>(1)</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 248, p. 1).

<sup>(2)</sup> Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 357, p. 1).

### Action brought on 27 June 2012 — El Corte Inglés v OHIM — Sohawon (FREE YOUR STYLE.)

(Case T-282/12)

(2012/C 258/46)

Language in which the application was lodged: Spanish

#### Parties

*Applicant:* El Corte Inglés, SA (Madrid, Spain) (represented by: E. Seijo Veiguela, J. Rivas Zurdo and I. Munilla Muñoz, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Nadia Mariam Sohawon (London, United Kingdom)

### Form of order sought

The applicant claims that the Court should:

- annul the decision of 17 April 2012 of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) in Case R 1825/2010-4, and find that, pursuant to Article 8(1)(b) of Regulation No 207/2009, the action brought by the opposing party before OHIM should have been upheld for the following services in Class 35: *retail services, wholesale services, mailing services and online retail services related to clothing, footwear and headgear*, and the decision of the Opposition Division to fully grant Community trade mark No 7 396 468 'FREE YOUR STYLE' (mixed) should have been annulled;
- order the party or parties which oppose this action to pay the costs.

### Pleas in law and main arguments

*Applicant for a Community trade mark:* Nadia Mariam Sohawon

*Community trade mark concerned:* Figurative mark 'FREE YOUR STYLE.' for goods and services in Classes 25, 35 and 41 — Community trade mark application No 7 396 468

*Proprietor of the mark or sign cited in the opposition proceedings:* the applicant

*Mark or sign cited in opposition:* Community and Spanish word mark 'FREE STYLE' for goods in Classes 3, 18 and 25

*Decision of the Opposition Division:* opposition rejected

*Decision of the Board of Appeal:* appeal dismissed in part

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation No 207/2009

### Action brought on 29 June 2012 — Oro Clean Chemie v OHIM — Merz Pharma (PROSEPT)

(Case T-284/12)

(2012/C 258/47)

Language in which the application was lodged: German

#### Parties

*Applicant:* Oro Clean Chemie AG (Fehraltorf, Switzerland) (represented by: F. Ekey, lawyer)

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