

Action brought on 2 July 2012 — Evropaiki Dinamiki v Commission

(Case T-297/12)

(2012/C 273/27)

*Language of the case: Greek***Parties**

Applicant: Evropaiki Dinamiki — Proigmena Sistimata Tilepikionion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: V. Khristianos, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- order the Commission to pay it the sum of EUR 50 000 as compensation for the harm to its professional reputation which it has suffered on account of infringement of its professional confidentiality by the Commission, with compensatory interest from 3 July 2007 to delivery of the judgment in the present dispute and until full payment;
- order the Commission to pay its costs.

Pleas in law and main arguments

By the present action, the applicant seeks compensation from the General Court of the European Union for the harm which it has suffered on account of the unlawful conduct on the part of the European Commission ('the Commission'), under the second paragraph of Article 340 TFEU (non-contractual liability of the European Union). Specifically, the Commission caused damage to the applicant's professional reputation by sending a document which concerned an investigation being conducted in respect of the applicant to third-party companies on 3 July 2007.

The applicant submits that the conditions for establishing the Commission's non-contractual liability, as set out in settled case-law, that enable it to be compensated for the damage to its professional reputation are met, since the Commission unlawfully disclosed to third parties the existence and the content of an investigation conducted in its regard and confidential professional data concerning it.

Action brought on 9 July 2012 — Lidl Stiftung v OHIM — A Colmeia do Minho (FAIRGLOBE)

(Case T-300/12)

(2012/C 273/28)

*Language in which the application was lodged: English***Parties**

Applicant: Lidl Stiftung & Co. KG (Neckarsulm, Germany) (represented by: M. Wolter and A. Berger, lawyers)

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

Other party to the proceedings before the Board of Appeal: A Colmeia do Minho L^{da} (Aldeia de Paio Pires, Portugal)

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 2 April 2012 in case R 1981/2010-2 insofar as the opposition was upheld;
- Order the defendant to pay the costs of the proceedings; and
- Order the intervener to pay the costs of the proceedings before the Office.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The figurative mark 'FAIRGLOBE', for goods and services in classes 18, 20, 24, 25, 29, 30, 31, 32 and 33 — Community trade mark application No 6896261

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: Portuguese trade mark registration No 221497 of the figurative mark 'GLOBO PORTUGAL', for goods in class 30; Portuguese trade mark registration No 221498 of the figurative mark 'GLOBO PORTUGAL', for goods in class 29; Portuguese trade mark registration No 311549 of the word mark 'GLOBO', for goods in class 29; Portuguese trade mark registration No 337398 of the word mark 'GLOBO', for goods in classes 2, 29 and 30

Decision of the Opposition Division: Partially upheld the opposition

Decision of the Board of Appeal: Partially upheld the appeal and partially dismissed it