

**Action brought on 29 October 2012 — LaserSoft Imaging  
v OHIM (WorkflowPilot)**

(Case T-475/12)

(2013/C 9/73)

*Language of the case: German*

**Parties**

*Applicant:* LaserSoft Imaging AG (Kiel, Germany) (represented by J. Hunnekuhl, lawyer)

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

**Form of order sought**

The applicant claims that the Court should:

— Annul the decisions of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 January 2012 and 6 August 2012 (Case R 480/2012-4) in so far as they rejected the applicant's trade mark application of 29 August 2011 and order the defendant to register the word mark 'WorkflowPilot' in the trade mark register of the Office for Harmonisation for the Internal Market in accordance with the application.

**Pleas in law and main arguments**

*Community trade mark concerned:* the word mark 'WorkflowPilot' for goods and services in Classes 9, 41 and 42 — Community trade mark application No 10 223 774

*Decision of the Examiner:* the application was rejected in part

*Decision of the Board of Appeal:* the appeal was dismissed

*Pleas in law:* Infringement of Article 7(1)(b) and (c) and of Article 7(2) of Regulation No 207/2009

**Action brought on 31 October 2012 — Saint-Gobain Glass  
Deutschland v Commission**

(Case T-476/12)

(2013/C 9/74)

*Language of the case: German*

**Parties**

*Applicant:* Saint-Gobain Glass Deutschland GmbH (Aachen, Germany) (represented by: S. Altenschmidt and C. Dittrich, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

— Annul the implied decision of the Commission of 4 September 2012 (reference No GestDem No 3273/2012), refusing access to the information regarding the applicant's installations with which the Federal Environment Agency of the Federal Republic of Germany provided the European Commission in the context of the list of installations in Germany covered by Directive 2003/87/EC submitted under Article 15(1) of Commission Decision 2011/278/EU of 27 April 2011;

— In the alternative, annul the implied decision of the Commission of 25 September 2012 (reference No GestDem No 3273/2012) with which access to the requested information was in any case denied;

— Order the Commission to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on the following pleas in law:

1. Infringement of Article 8(2) of Regulation (EC) No 1049/2001 <sup>(1)</sup>

Here the applicant submits that the preconditions for the extension of the period for answering its confirmatory application did not exist and that because of this a negative decision on the part of the Commission already existed on 4 September 2012.

2. Infringement of the first sentence of Article 3 of Regulation (EC) No 1367/2006 <sup>(2)</sup> in conjunction with Article 2(1) of Regulation (EC) No 1049/2001

The applicant submits that the implied refusal of its request infringes the first sentence of Article 3 of Regulation (EC) No 1367/2006 in conjunction with Article 2(1) of Regulation (EC) No 1049/2001 as it has a right to have the environmental information sought made accessible on the basis of those provisions and there are no grounds for refusal, which have to be interpreted strictly.

In particular the applicant is of the view that the ground for refusal in the first subparagraph of Article 4(3) of Regulation No 1049/2001 does not apply. The requested documents relate solely to particulars with which the Federal Republic of Germany provided the Commission and not to an ongoing examination of those particulars by the Commission. It is not therefore to be feared that the Commission's decision-making process would be seriously undermined.