

Pleas in law and main arguments

By this action, the applicant claims, under the second paragraph of Article 340 TFEU read together with Article 266 TFEU, before the General Court of the European Union compensation for the damage which it has suffered because of the unlawful conduct of the European Investment Bank ('the EIB').

That damage arose when, as was ruled by the General Court in its judgment of 20 September 2011 in Case T-461/08 *Evropaiki Dynamiki v EIB*, the EIB unlawfully rejected the applicant's tender in the call for tenders relating to the award of a framework agreement for the provision of services.

In that context, the applicant claims, first, damages by way of compensation for the damage which the applicant suffered as a result of the loss of the opportunity to be awarded the framework agreement, as a means of restoration of the status quo ante, and, secondly, exemplary damages for the unlawful and improper conduct of the EIB towards the applicant.

The applicant maintains that the conditions for establishing the EIB's non-contractual liability, as set out in settled case-law, to enable it to be compensated are satisfied.

Action brought on 6 February 2013 — GOLAM v OHIM — Glaxo Group (METABIOMAX)

(Case T-62/13)

(2013/C 86/45)

Language in which the application was lodged: Greek

Parties

Applicant: Sofia Golam (Athens, Greece) (represented by: N. Trovas, lawyer)

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

Other party to the proceedings before the Board of Appeal: Glaxo Group Ltd (Greenford, United Kingdom)

Form of order sought

The applicant claims that the General Court should:

- uphold the present action, so as to annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 30 October 2012 in Case R 2089/2011-2;
- reject the opposition of the other party before the Board of Appeal and grant the application lodged by the applicant in its entirety;

- order the other party before the Board of Appeal to pay the applicant the costs of the present proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'METABIOMAX', for goods in Classes 5, 16 and 30 — Community trade mark application No 8885261

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: The Community word mark 'BIOMAX' which has been registered under No 2661858, for goods in Classes 5, 30 and 32.

Decision of the Opposition Division: Opposition partly upheld.

Decision of the Board of Appeal: Decision of the Opposition Division partly annulled.

Pleas in law: Infringement of Article 8(1)(b) and Article 8(5) of Council Regulation No 207/2009

Action brought on 4 February 2013 — ANKO v Commission

(Case T-64/13)

(2013/C 86/46)

Language of the case: Greek

Parties

Applicant: ANKO AE Antiprosopion, Emporiou kai Viomikhanias (Athens, Greece) (represented by: V. Khristianos, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- declare that the applicant does not have to refund as wrongly paid the sum which the Commission paid to it for the DOC@HAND project;
- declare that the applicant does not have to pay the Commission liquidated damages for the DOC@HAND project;
- order the Commission to pay the applicant's costs.