

**Action brought on 4 April 2013 — Murnauer  
Markenvertrieb v OHIM — Healing Herbs (NOTFALL)**

(Case T-188/13)

(2013/C 156/90)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Murnauer Markenvertrieb GmbH (Trebur, Germany)  
(represented by: F. Traub and H. Daniel, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Healing  
Herbs Ltd (Walkerstone, United Kingdom)

**Form of order sought**

The applicant claims that the Court should:

— Annul the decision of the Fourth Board of Appeal of the  
Office for Harmonisation in the Internal Market (Trade  
Marks and Designs) of 4 February 2013 in Case  
R 132/2012-4;

— Order the defendant to pay the costs.

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which a declaration of  
invalidity has been sought:* the word mark 'NOTFALL' for goods in  
Classes 3, 5 and 30 — Community trade mark No 9 089 681

*Proprietor of the Community trade mark:* the applicant

*Applicant for the declaration of invalidity of the Community trade  
mark:* Healing Herbs Ltd

*Grounds for the application for a declaration of invalidity:* Article  
52(1)(a) of Regulation No 207/2009 in conjunction with  
Article 7(1)(b) and (c) and Article 7(2) of Regulation  
No 207/2009

*Decision of the Cancellation Division:* the application was upheld in  
part

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

*Pleas in law:*

— Infringement of Article 83 of Regulation No 207/2009 in  
conjunction with the general principle of equal treatment

— Infringement of Article 7(1)(c) of Regulation No 207/2009

— Infringement of Article 7(1)(b) of Regulation No 207/2009

**Action brought on 2 April 2013 — Gemeente  
Leidschendam-Voorburg v Commission**

(Case T-190/13)

(2013/C 156/91)

*Language of the case: Dutch*

**Parties**

*Applicant:* Gemeente Leidschendam-Voorburg (Leidschendam-  
Voorburg, Netherlands) (represented by: A. de Groot and J.J.M.  
Sluijs, lawyers)

*Defendant:* European Commission

**Form of order sought**

— Annul the contested decision; and

— order the Commission to pay the costs of the proceedings.

**Pleas in law and main arguments**

The applicant challenges Commission Decision C(2013) 87 of  
23 January 2013 on State aid SA.24123 (2012/C) (ex  
2011/NN) implemented by the Netherlands — Alleged sale of  
land below market price by the Municipality of Leidschendam-  
Voorburg.

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

1. First plea in law, alleging breach of essential procedural  
requirements and/or of the obligation to state reasons.

— In the first place the Commission allowed an unreasonably long period of time to elapse before initiating the procedure under Article 108(2) TFEU, as a result of which the parties were entitled to assume that the agreement at issue was not incompatible with Article 107(1) TFEU.

— In the second place there were errors and omissions in the Commission's assessment of the facts.

— In the third place, the Commission erred in its determination of the facts with regard to financing through State resources.