

**Action brought on 11 June 2013 — Pappalardo and Others
v Commission**

(Case T-316/13)

(2013/C 226/33)

Language of the case: Italian

Parties

Applicants: Salvatore Aniello Pappalardo (Cetara, Italy), Pescatori La Tonnara Soc. coop. (Cetara); Fedemar Srl (Cetara); Testa Giuseppe E C. Snc (Catania, Italy); Pescatori San Pietro Apostolo Srl (Cetara); Camplone Arnaldo & C. Snc di Camplone Arnaldo EC (Pescara, Italy); and Valentino Pesca Sas di Camplone Arnaldo & C. (Pescara) (represented by: V. Cannizzarro and L. Caroli, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare that the Commission is non-contractually liable for the damage caused by the adoption of Commission Regulation (EC) No 530/2008 of 12 June 2008 establishing emergency measures as regards purse seiners fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45 W, and in the Mediterranean Sea, which was declared invalid by the Court of Justice in its judgment of 17 March 2011 in Case C-221/09; and
- as a result, order the European Commission to provide compensation in respect of the damage caused;
- order the European Commission to pay the costs.

Pleas in law and main arguments

The applicants in the present case claim that the non-contractual liability in question results from the fact that, by Regulation No 530/2008, the Commission had unlawfully prohibited vessels flying the flag of or registered in Greece, France, Italy, Cyprus and Malta from the fishing for bluefin tuna starting from 16 June 2008, even though a similar prohibition was imposed on vessels flying the flag of or registered in Spain only from 23 June 2008.

According to the applicants, in the present case, all the necessary requirements are met for the European institutions to be found liable as a result of their legislative activity: there is a serious breach of a rule protecting individuals; there is actual harm and there is a causal link between that conduct and the alleged damage.

They note, in that regard, that Regulation No 530/2008 has been declared wholly invalid by the Court of Justice for breaching the principle of non-discrimination and that, according to settled case-law, the breach of that principle is considered as one of the serious breaches of a superior rule of law which is designed to protect individuals.

**Action brought on 13 June 2013 — Vita Phone v OHIM
(LIFEDATA)**

(Case T-318/13)

(2013/C 226/34)

Language of the case: German

Parties

Applicant: Vita Phone GmbH (Mannheim, Germany) (represented by P. Ruess and A. Doepner-Thiele, lawyers)

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 decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 26 March 2013 in Case R 1072/2012-1;
- Order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: the word mark 'LIFEDATA' for goods and services in Classes 10 and 44 — Community trade mark application No 10 525 053

Decision of the Examiner: the application was rejected

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law:

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