

Pleas in law and main arguments

Community trade mark concerned: The word mark 'BLUE SOFT' for goods in Class 9 (application No 3 007 846)

Decision of the Examiner: Refusal of the application

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: There is no absolute ground for refusal and therefore the mark for which registration is sought is capable of being protected. The sign as a whole is not purely descriptive and distinctive character is also present.

Action brought on 24 November 2006 — Evropaiki Dynamiki v EEA

(Case T-331/06)

(2006/C 326/157)

Language of the case: English

Parties

Applicant: Evropaiki Dynamiki — Proigmena Systimata Tilepi-koinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis and N. Keramidas, lawyers)

Defendant: European Environment Agency

Form of order sought

- Annul the decision of the EEA to evaluate the applicant's bid as not successful and award the contract to the successful contractor;
- order the EEA to pay the applicant's legal and other costs and expenses incurred in connection with this application, even if the current application is rejected.

Pleas in law and main arguments

In support of its claims the applicant argues that in the decision taken in the framework of the tendering procedure EEA/IDS/06/002 for the 'Provision of IT consultancy services' (OJ 2006 S 118-125101) communicated to the applicant by letter dated 14 September 2006 the European Environmental Agency ('EEA') failed to comply with its obligations foreseen in the Implementing rules and Directive 2004/18/EC as well as the principle of transparency by not disclosing to the participants in advance the weighting of the sub-criteria which were subsequently applied during the selection procedure.

Furthermore, the applicant claims that the EEA committed several manifest errors of assessment which resulted in the rejection of its bid.

The applicant requests that the decision of the EEA to reject its bid and award the contract to three other participants be annulled and that the defendant is ordered by the Court to pay all legal expenses related to the present proceedings even if the application is rejected.

Action brought on 29 November 2006 — Alcoa Trasformazioni v Commission

(Case T-332/06)

(2006/C 326/158)

Language of the case: English

Parties

Applicant: Alcoa Trasformazioni Srl (Portoscuso, Italy), (represented by: M. Siragusa, T. Müller-Ibord, F. M. Salerno and T. Graf, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- To annul the Commission Decision of 19 July 2006 (!), in so far as it relates to the applicant and the electricity tariffs payable by the applicant at Portovesme and Fusina or, in the alternative, to annul the decision to the extent that it treats these tariffs as unlawful new aid;
- to order the Commission to bear the costs of the present proceedings.

Pleas in law and main arguments

The application at stake is made pursuant to Article 230 EC for the annulment of Commission Decision of 19 July 2006 (hereinafter 'the 2006 Decision'), which qualified electricity tariffs applicable to the applicant's aluminium plants located in Portovesme in Sardinia and Fusina in the Veneto region as unlawful new aid and initiated formal proceedings against these tariffs pursuant to Article 88(2)EC.

The applicant submits that the 2006 decision is erroneous and unlawful in that it departs from the Commission's own previous decision holding that the tariffs in question do not constitute state aid and disregards the procedure that the Commission should follow in such a case. More specifically, the applicant raises three pleas in law: