

Form of order sought

— the lifting of procurement procedure: fast track restricted tender No 2007/S 13-014125 published in the OJ S 13 on 19 January 2007 relating to information and analysis on quality of work and employments, industrial relations and restructuring covering the European level of the European Foundation for the Improvement of Living and Working Conditions

Pleas in law and main arguments

The applicant claims that the method of execution of the above mentioned procurement procedure was not conducted fairly by the defendant.

The applicant submits, first, that the grounds for rejecting its bid are not sufficiently motivated. In particular, the extracts of the evaluation sheet which have been forwarded to the applicant allegedly fail to explain adequately why the contract was awarded to another tenderer.

Secondly, the applicant further submits that the defendant's letter dated 15 May 2007 contains formal defects since the annex B to the evaluation report was allegedly not signed by persons entrusted with the tenders' assessment.

Action brought on 15 June 2007 — Harman International Industries v OHIM — Becker (Barbara Becker)

(Case T-212/07)

(2007/C 183/76)

*Language in which the application was lodged: English***Parties**

Applicant: Harman International Industries, Inc. (Northridge, USA) (represented by: M. Vanhegan, Barrister)

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

Other party to the proceedings before the Board of Appeal: Barbara Becker (Miami, USA)

Form of order sought

— Annulment of paragraph 1 of the First Board of Appeal's decision of 7 March 2007 (Case R 502/2006-1), by which the decision of the Opposition Division of 15 February 2005 was annulled;

— an order that the Community trade mark application No 2 939 072 be refused in its entirety;

— an order that the defendant pays the applicant its costs incurred before the Board of Appeal and the Court of First Instance.

Pleas in law and main arguments

Applicant for the Community trade mark: Barbara Becker

Community trade mark concerned: The Community work mark 'Barbara Becker' for goods in Class 9 — application No 2 939 072

Proprietor of the mark or sign cited in the opposition proceedings: Harman International Industries, Inc

Mark or sign cited: The Community word marks 'BECKER' and 'BECKER ONLINE PRO' for goods in Class 9

Decision of the Opposition Division: Upheld the opposition in its entirety

Decision of the Board of Appeal: Upheld the appeal and rejected the opposition

Pleas in law: Infringement of Articles 8(1)(b) and 8(5) of Council Regulation 40/94 ('CTMR').

The applicant claims that the Board erred in its application of Article 8(1)(b) CTMR in finding that there was no conceptual similarity between the applicant's mark 'BECKER' and the sign applied for by 'Barbara Becker', and hence no likelihood of confusion. Furthermore, the applicant submits that the Board erred in law in its application of Article 8(5) CTMR in finding that there was no link between the sign applied for by 'Barbara Becker' and the Community trade mark of its own.

Action brought on 22 June 2007 — Donnici v Parliament

(Case T-215/07)

(2007/C 183/77)

*Language of the case: Italian***Parties**

Applicant: Beniamino Donnici (represented by: M. Sanino, G. Roberti, I. Perego and P. Salvatore, lawyers)

Defendant: European Parliament

Form of order sought

- annul the decision of the European Parliament of 24 May 2007 on the verification of the applicant's credentials;
- declare Rule 3(5) of the Rules of Procedure of the European Parliament unlawful under Article 241 EC;
- order the defendant to pay the costs.

Pleas in law and main arguments

The decision contested in the present case declares invalid the mandate as member of the European Parliament of Beniamino Donnici, whose election was communicated by the competent national authorities, and confirms the validity of the mandate of Achille Occhetto.

It should be noted in this regard that, in a decision which has become final, the Consiglio di Stato annulled the declaration of the election of Achille Occhetto to the European Parliament.

In support of his claims, the applicant submits that the European Parliament:

- was not competent to rule on the validity of the mandate conferred on him as member of the European Parliament;
- infringed Article 12 of the 1976 Act, legislation which does not in any way permit it to challenge decisions taken by the national authorities acting within their powers;
- misapplied Rule 3(5) of the Rules of Procedure, which, it is also submitted, is unlawful as being at variance with the 1976 Act. The Rules of Procedure, in so far as they are a source of secondary legislation, cannot of themselves confer powers on the European Parliament which are not already provided for in that Act;
- wrongly took the view that it could find that there had been an infringement of Article 6 of the 1976 Act and also breached the principle of *res judicata* by 'disapplying' the judgments, now final and conclusive, which had been delivered in the matter by the national courts;
- failed to give adequate reasons for the contested decision and, in particular, failed to explain the reasons which led it to disregard the contrary opinion delivered by its Legal Service on this matter.

Order of the Court of First Instance (First Chamber Extended Composition) of 22 May 2007 — Neue Erba Lautex v Commission(Case T-181/02) ⁽¹⁾

(2007/C 183/78)

Language of the case: German

The President of the Court of First Instance First Chamber Extended Composition Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 202, 24.8.2002.

Order of the Court of First Instance of 16 May 2007 — Technische Glaswerke Ilmenau v Commission(Case T-378/02) ⁽¹⁾

(2007/C 183/79)

Language of the case: German

The President of the Court of First Instance (Fourth Chamber) has ordered that the case be removed from the register.

⁽¹⁾ OJ C 55, 8.3.2003.

Order of the Court of First Instance of 4 June 2007 — Commission v TH Parkner(Case T-266/06) ⁽¹⁾

(2007/C 183/80)

Language of the case: German

The President of the Court of First Instance (Third Chamber) has ordered that the case be removed from the register.

⁽¹⁾ OJ C 294, 2.12.2006.