

- the rights of consumers were infringed by failing to label animals fed with maize Bt11 and due to a lack of transparency in relation to products containing less than 0.9% of maize Bt11.

(¹) OJ 2003 L 268, p. 1.

Action brought on 4 October 2010 — Département du Gers v Commission

(Case T-479/10)

(2010/C 346/96)

Language of the case: French

Parties

Applicant: Département du Gers (Auch, France) (represented by: S. Mabile and J.-P. Mignard, lawyers)

Defendant: European Commission

Form of order sought

- Annul Decision 2010/420/EU of the European Commission of 28 July 2010 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON89034xNK603 (MON-89034-3xMON-00603-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council;

- order the Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and the main arguments raised by the applicant are identical or essentially the same as those raised in Case T-478/10 *Département du Gers v Commission*.

Action brought on 4 October 2010 — Département du Gers v Commission

(Case T-480/10)

(2010/C 346/97)

Language of the case: French

Parties

Applicant: Département du Gers (Auch, France) (represented by: S. Mabile and J.-P. Mignard, lawyers)

Defendant: European Commission

Form of order sought

- annul Decision 2010/426/EU of the European Commission of 28 July 2010 authorising the placing on the market of products containing, consisting of, or produced from

genetically modified maize Bt11xGA21 (SYN-BT011-1xMON-00021-9) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council;

- order the Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and the main arguments raised by the applicant are identical or essentially the same as those raised in Case T-478/10 *Département du Gers v Commission*.

Action brought on 4 October 2010 — Département du Gers v Commission

(Case T-481/10)

(2010/C 346/98)

Language of the case: French

Parties

Applicant: Département du Gers (Auch, France) (represented by: S. Mabile and J.-P. Mignard, lawyers)

Defendant: European Commission

Form of order sought

- annul Decision 2010/429/EU of the European Commission of 28 July 2010 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 88017 x MON 810 (MON-88017-3 x MON-00810-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council;

- order the Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and the main arguments raised by the applicant are identical or essentially the same as those raised in Case T-478/10 *Département du Gers v Commission*.

Action brought on 4 October 2010 — Département du Gers v Commission

(Case T-482/10)

(2010/C 346/99)

Language of the case: French

Parties

Applicant: Département du Gers (Auch, France) (represented by: S. Mabile and J.-P. Mignard, lawyers)

Defendant: European Commission

Form of order sought

- annul Decision 2010/432/EU of the European Commission of 28 July 2010 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507x59122 (DAS-Ø15Ø7-1xDAS-59122-7) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council;
- order the Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and the main arguments raised by the applicant are identical or essentially the same as those raised in Case T-478/10 *Département du Gers v Commission*.

Action brought on 13 October 2010 — MIP Metro v OHIM — J.C. Ribeiro SGPS (MISS B)

(Case T-485/10)

(2010/C 346/100)

Language in which the application was lodged: German

Parties

Applicant: MIP METRO Group Intellectual Property GmbH & Co. KG (Düsseldorf, Germany) (represented by: J.-C. Plate and R. Kaase, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: J.C. Ribeiro SGPS S.A. (Sta Maria de Feira, Portugal)

Form of order sought

- Declare the action admissible, together with the annexes thereto, against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 5 August 2010 in Case R 1526/2009-1;
- annul the contested decision in so far as it concerns the opposition to the trade mark application for goods in Classes 14 and 25, since it is incompatible with Article 8(1)(b) of Regulation (EC) No 40/94;
- order the defendant to pay the costs of the proceedings, including the costs of the appeal proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: J.C. Ribeiro SGPS S.A.

Community trade mark concerned: word mark 'MISS B' for goods in Classes 14, 16, 18, 21, 25 and 28.

Proprietor of the mark or sign cited in the opposition proceedings: the applicant.

Mark or sign cited in opposition: German and international word mark 'miss H.' for goods in Classes 6, 9, 14, 16, 18, 25 and 26, and the German figurative mark containing the word element 'Miss H.' for goods in Classes 3, 8, 9, 14, 16, 18, 20, 24, 25 and 26.

Decision of the Opposition Division: opposition upheld.

Decision of the Board of Appeal: appeal granted.

Pleas in law: infringement of Article 8(1)(b) of Regulation (EC) No 207/2009,⁽¹⁾ since there is a likelihood of confusion between the two opposing marks.

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

Action brought on 18 October 2010 — Mayer Naman v OHIM — Daniel & Mayer (David Mayer)

(Case T-498/10)

(2010/C 346/101)

Language in which the application was lodged: Italian

Parties

Applicant: David Mayer Naman (Rome, Italy) (represented by: S. Sutti, lawyer, S. Cazzaniga, lawyer, and V. Fedele, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Daniel & Mayer Srl (Milan, Italy)

Form of order sought

The applicant claims that the Court should:

- vary the contested decision in its entirety;
- 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: Figurative mark containing the word element 'David Mayer' (registration application No 1518950), to designate inter alia goods in Classes 18 and 25

Proprietor of the Community trade mark: The applicant

Applicant for the declaration of invalidity: Daniel & Mayer Srl