

Defendant: European Commission (represented by: C. Giolito, M. Kellerbauer and G. Meessen, Agents)

Re:

Application for suspension of operation of Commission Decision C(2012) 3534 final of 24 May 2012 rejecting a request for confidential treatment made by the applicant (Case COMP/38.620 — Hydrogen peroxide and perborate) and an application for interim measures seeking to maintain the confidential treatment granted to certain information concerning the applicant on the publication of a more detailed version of Commission Decision 2006/903/EC of 3 May 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F/C.38.620 — Hydrogen peroxide and perborate) (OJ 2006 L 353, p. 54).

Operative part of the order

1. *The operation of Commission Decision C(2012) 3534 final of 24 May 2012 rejecting a request for confidential treatment brought by Evonik Degussa GmbH, pursuant to Article 8 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings is suspended.*
2. *The Commission is ordered to refrain from publishing on its website or any other place or to make available to third parties a version of its Decision 2006/903/EC of 3 May 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement against Akzo Nobel NV, Akzo Nobel Chemicals Holding AB, Eka Chemicals AB, Degussa AG, Edison SpA, FMC Corporation, FMC Foret S.A., Kemira OYJ, L'Air Liquide SA, Chemoxal SA, Snia SpA, Caffaro Srl, Solvay SA/NV, Solvay Solexis SpA, Total SA, Elf Aquitaine SA and Arkema SA (Case COMP/F/C.38.620 — Hydrogen Peroxide and perborate), which is more complete, in relation to the applicant, than that published in September 2007 on the Commission's Competition Directorate General website.*
3. *Costs are reserved.*

Order of the General Court of 21 November 2012 — Grupo T Diffusión v OHIM — ABR Producción Contemporánea (Lampe)

(Case T-343/12) ⁽¹⁾

(Community trade mark — Application for a declaration of invalidity — Withdrawal of that application — No need to adjudicate)

(2013/C 26/101)

Language of the case: Spanish

Parties

Applicant: Grupo T Diffusión, SA (Barcelona, Spain) (represented by: A. Lasala Grimalt, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: ABR Producción Contemporánea, SL (Barcelona, Spain)

Re:

Action brought against the decision of the Third Board of Appeal of OHIM of 1 June 2012 (Case R 1622/2010-3) relating to invalidity proceedings between ABR Producción Contemporánea, SL and Grupo T Diffusión, SA.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*
2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 287, 22.9.2012.

Action brought on 12 October 2012 — Zoo Sport v OHIM — K-2 (ZOOSPORT)

(Case T-453/12)

(2013/C 26/102)

Language in which the application was lodged: English

Parties

Applicant: Zoo Sport Ltd (Leeds, United Kingdom) (represented by: I. Rungg, lawyer)

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

Other party to the proceedings before the Board of Appeal: K-2 Corp. (Seattle, United States)

Form of order sought

The applicant claims that the Court should:

— Vary the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 9 August 2012 in case R 1119/2011-4, so as to reject the opposition in its entirety; and

— Order the defendant to bear the costs of the proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'ZOOSPORT', for goods and services in classes 18, 25 and 35 — Community trade mark application No 8909251

Proprietor of the mark or sign cited in the opposition proceedings: The other party to the proceedings before the Board of Appeal

Mark or sign cited in opposition: Community trade mark registration No 5233119 for the word mark 'ZOOT', for goods in classes 9 and 25; Community trade mark registration No 4719316 for the figurative mark in black and white 'SPORTS ZOOT SPORTS', for goods and services in classes 25, 35, 36 and 41

Decision of the Opposition Division: Upheld the opposition for part of the contested goods and services

Decision of the Board of Appeal: Partially annulled the contested decision

Pleas in law: Infringement of Article 8(1)(b) of Council Regulation No 207/2009.

Action brought on 22 October 2012 — Sothys Auriac v OHIM — Grand Hotel Primavera (BEAUTY GARDEN)

(Case T-470/12)

(2013/C 26/103)

Language in which the application was lodged: French

Parties

Applicant: Sothys Auriac (Auriac, France) (represented by: A. Berthet, lawyer)

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

Other party to the proceedings before the Board of Appeal: Grand Hotel Primavera SA (Borgo Maggiore, Saint-Martin)

Form of order sought

The applicant claims that the Court should:

- declare the present action to be admissible;
- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 July 2012 on Case R 11419/2011-1;
- order OHIM 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: BEAUTY GARDEN for goods in Classes 3, 5, 29, 30 and 32 — Community trade mark No 3 456 134

Proprietor of the Community trade mark: Applicant

Applicant for the declaration of invalidity of the Community trade mark: Grand Hotel Primavera SA

Grounds for the application for a declaration of invalidity: National figurative mark containing the word element 'BEAUTY GARDEN' for goods in Classes 3 and 5

Decision of the Cancellation Division: Application upheld in part

Decision of the Board of Appeal: Appeal rejected in part and decision of the Cancellation Division annulled in part and revised by the Board of Appeal.

Pleas in law:

— Infringement of Article 76(1) and Article 75 of Regulation No 207/2009

— Infringement of the general principle that reasons must be given in OHIM decisions and that the adversarial nature of proceedings must be observed.

Action brought on 1 November 2012 — Aer Lingus v Commission

(Case T-473/12)

(2013/C 26/104)

Language of the case: English

Parties

Applicant: Aer Lingus Ltd (Dublin, Ireland) (represented by: K. Bacon, D. Scannell, Barristers, and A. Burnside, Solicitor)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Annul (or, in the alternative, partially annul) the Commission Decision of 25 July 2012 in State aid case SA.29064 (2011/C) (ex 2011/NN) — Differentiated air travel tax rates implemented by Ireland; and
- Order the defendant to pay the applicant's costs.