

Form of order sought

The applicants claim that the General Court should:

- annul the decision of the European Commission of which they were notified by letter of 29 October 2015 under reference DIGIT/R/3/SDP/PT 5107460 (2015), by which the Commission ranked in sixth place the applicants' tender for one of the three individual lots, specifically Lot 3, in the context of the open procurement procedure under No DIGIT/R3/PO/2015/0008 entitled 'Support and consulting services for technical informatics staff IV (STIS IV)';
- order the Commission to compensate the applicants for the harm suffered by them in respect of the opportunity which they lost to be ranked in first place for Lot 3 of the framework agreement STIS IV;
- order the Commission to pay all the costs of the applicants.

Pleas for annulment and main arguments

According to the applicants, the contested decision must be annulled as it provided a defective statement of reasons: (i) as regards the appraisal of the applicants' technical offer, (ii) as regards the reasons for which the financial offers of the successful companies and consortia were not considered abnormally low, and on account of infringement by the Commission of the contractual documents and EU law in relation to the existence of manifest errors of assessment.

Action brought on 22 December 2015 — Facebook v OHIM — Brand IP Licensing (lovebook)

(Case T-757/15)

(2016/C 068/52)

Language in which the application was lodged: English

Parties

Applicant: Facebook, Inc. (Menlo Park, United States) (represented by: M. Granado Carpenter and M. Polo Carreño, lawyers)

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

Other party to the proceedings before the Board of Appeal: Brand IP Licensing Ltd (Road Town, British Virgin Islands)

Details of the proceedings before OHIM

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community word mark 'lovebook' — Community trade mark application No 9 926 577

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of OHIM of 30 September 2015 in Case R 2028/2014-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in its entirety, insofar as it annuls the decision of the Opposition Division which upheld the opposition against the CTM application No 9 926 577 LOVEBOOK on the basis of likelihood of confusion, based in its conclusions that the similarities of the signs are minor in relation to their differences, that the overall impression of the signs in the perception of the relevant public is that they are not similar, and that this is so, even if the earlier trademarks enjoy enhanced distinctiveness;

— order reimbursement of its costs in this appeal before the General Court.

Plea in law

— Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 22 December 2015 — EDF Toruń v European Chemicals Agency (ECHA)

(Case T-758/15)

(2016/C 068/53)

Language of the case: Polish

Parties

Applicant: EDF Toruń SA (Toruń, Poland) (represented by: K. Sienkiewicz, lawyer)

Defendant: European Chemicals Agency (ECHA)

Form of order sought

The applicant claims that the Court should:

- annul Decision No SME(2015)4950 of 3 November 2015 issued by the European Chemicals Agency, and VAT invoice No 10054011 of 3 November 2015, relating to the charging of an administrative fee for the incorrect indication of the undertaking's size when making a notification to the REACH register;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law.

1. First plea, relating to a lack of binding force of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (2003/361/EC) and to the need to apply national provisions in this regard;
2. Second plea, relating to infringement of the provisions of Commission Regulation (EC) No 340/2008,⁽¹⁾ given the fact that the agency is not entitled to impose financial penalties on entities making a notification to the REACH register;
3. Third plea, relating to infringement of the principle of proportionality through the charging of an administrative fee whose amount is excessively high in relation to the work required to determine the correct value for the undertaking;
4. Fourth plea, relating to misuse of powers through the charging of a fee on the basis of Decision 14/2015 of the Management Board of the European Chemicals Agency when that decision does not have binding force;
5. Fifth plea, relating to infringement of the principle of equality by setting the amount of administrative fees on the basis of the size of the entity which is to be charged the fee, when there are no arguments at all supporting the correctness of such a solution.

⁽¹⁾ Commission Regulation (EC) No 340/2008 of 16 April 2008 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ 2008 L 107, p. 6).