

**Action brought on 19 August 2009 — Producteurs de Légumes de France v Commission**

(Case T-328/09)

(2009/C 267/125)

*Language of the case: French***Parties***Applicant:* Les Producteurs de Légumes de France (Paris, France) (represented by: O. Fachin, lawyer)*Defendant:* Commission of the European Communities**Form of order sought**

— annul the contested decision on the basis of the fourth paragraph of Article 230 of the EC Treaty;

— order the Commission of the European Communities to pay the costs.

**Pleas in law and main arguments**

The applicant seeks annulment of Commission Decision C(2009) 203 final of 28 January 2009,<sup>(1)</sup> by which the Commission declared incompatible with the common market the State aid granted by the French Republic to fruit and vegetable producers under the ‘contingency plans’ intended to facilitate marketing of agricultural products harvested in France and instructed the French Republic to recover the aid in question.

In support of its action, the applicant raises two pleas in law, alleging:

— breach of the principle of legitimate expectations, since the fact that the Commission was, in the period 1992 to 2002, aware of the existence of the contingency plans but did not, even so, institute a procedure gave rise to expectations on the part of the producers as to the validity of those plans;

— an error in the amount of reimbursement sought in respect of 2001, which affects the overall amount of the reimbursement and the interest claimed.

<sup>(1)</sup> OJ L 127, p.11 — published as Decision 2009/402/EC.

**Action brought on 24 August 2009 — Fédération Internationale des Logis v OHIM (Brown convex square)**

(Case T-329/09)

(2009/C 267/126)

*Language in which the application was lodged: French***Parties***Applicant:* Fédération Internationale des Logis (Paris, France) (represented by C. Champagner Katz, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)**Form of order sought**

— Annul the decision of the First Board of Appeal of OHIM of 11 June 2009 in Case R 0202/2009-1 and allow registration of the trade mark applied for;

— Order OHIM to pay the costs.

**Pleas in law and main arguments***Community trade mark concerned:* Mark representing a brown convex square for the goods and services in Classes 3, 18, 24, 43 and 44 — Application No 6468722*Decision of the Examiner:* Rejection of the application for registration*Decision of the Board of Appeal:* Dismissal of the appeal

*Pleas in law:* Infringement of Article 7(1)(b) of Regulation No 207/2009 as the representation of a special and specific square with convex edges in a particular and specific brown colour is distinctive with respect to the goods and services for which registration was sought, in so far as those elements give the mark a particular appearance for those goods and services.

**Action brought on 19 August 2009 — RapidEye v Commission**

(Case T-330/09)

(2009/C 267/127)

*Language of the case: German***Parties***Applicant:* RapidEye AG (Brandenburg an der Havel, Germany) (represented by: T. Jestaedt, lawyer)*Defendant:* Commission of the European Communities