4. *Officials — Rights and obligations — Duty of independence and integrity — Risk of conflict of interests where there are professional relations between an official having to rule on a case and a third party involved in it — None (Staff Regulations, Art. 11 a) (see paras 130-134)*

Re:

ACTION brought under Articles 235 EC, 238 EC and 288 EC for an order that the Commission make good damage suffered as a result of its failure to comply with contractual obligations in the context of the performance of the EDC-53007 EEBO/27873 contract relating to the project entitled 'e-Content Exposure and Business Opportunities'.

Operative part

The Court:

1. Dismisses the action;

2. Orders Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE to pay the costs.

Judgment of the General Court (Second Chamber) of 9 February 2010 — PromoCell bioscience alive v OHIM (SupplementPack)

(Case T-113/09)

(Community trade mark — Application for Community word mark SupplementPack — Absolute ground for refusal — Descriptive

character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation (EC) No 207/2009))

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications which may serve to designate the characteristics of goods (Council Regulation No 40/94, Art. 7(1)(c)) (see paras 31, 37, 42, 48)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 15 January 2009 (Case R 996/2008-4) concerning an application for registration of the word sign SupplementPack as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	PromoCell bioscience alive GmbH Biomedizinische Produkte
Community trade mark sought:	Word mark SupplementPack for goods and services in Classes 1, 3, 5, 41 and 42 — Application No 5433883
Decision of the Examiner:	Application dismissed
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders PromoCell bioscience alive GmbH Biomedizinische Produkte to pay the costs.