

Decision of the Board of Appeal: rescission of the decision of the Opposition Division and referral of the case back to the Opposition Division as regards the goods and services not covered by the decision of the Board of Appeal.

Grounds of claim:

- infringement of Article 8(1)(b) of Regulation (EC) No 40/94<sup>(1)</sup>;
- no risk of confusion;
- no similarity between the allegedly conflicting services.

<sup>(1)</sup> Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).

**Action brought on 17 December 2001 by Pietro del Vaglio against the Commission of the European Communities**

**(Case T-320/01)**

(2002/C 56/32)

*(Language of the case: French)*

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 17 December 2001 by Pietro del Vaglio, residing in London, represented by Georges Vander-sanden and Laure Levi, lawyers.

The applicant claims that the Court should:

- annul the defendant's decision of 6 September 2001 rejecting the applicant's complaint concerning the application to his pension of the weighting for the United Kingdom;
- order the defendant to apply the weighting for the United Kingdom with retroactive effect from 24 September 2000;

- order the defendant to pay damages provisionally assessed, on a fair and equitable basis, in the sum of 10 000 euros and to pay interest at 7 % per annum on the balance of the pension due from 24 September 2000 to 1 April 2001;
- order the defendant to pay all the costs.

*Pleas in law and main arguments*

The pleas in law and arguments advanced are broadly similar to those put forward in Case T-124/01 *Del Vaglio v Commission* (OJ 2001 C 227, p. 31).

**Action brought on 15 December 2001 by Internationaler Hilfsfonds e.V. against the Commission of the European Communities**

**(Case T-321/01)**

(2002/C 56/33)

*(Language of the case: French)*

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 15 December 2001 by Internationaler Hilfsfonds e.V., established at Rosbach (Federal Republic of Germany), represented by Hans Kaltenecker, lawyer.

The applicant claims that the Court should:

- annul the decision of the European Commission of 16 October 2001 by which it refused the applicant's 1996 and 1997 requests for co-financing;
- order the Commission, pursuant to the principle of reimbursement, to pay the costs, including those resulting from the procedures before the Ombudsman which the applicant was constrained to incur in order to obtain its entitlement.

*Pleas in law and main arguments*

The applicant is challenging the Commission's decision of 16 October 2001 rejecting three requests for co-financing which it had made under budget heading B7-6000, concerning the co-financing of actions with European non-governmental development organisations (NGDOs) in fields relating to developing countries.