

Pleas in law and main arguments

The trade mark applied for:	the word mark 'ROBOTUNITS' — Application No 1 176 320
Goods or services concerned:	goods in Classes 6, 7 and 9 (including metal profiles, guides for machines and conveyor belts)
Decision contested before the Board of Appeal:	refusal of registration by the examiner
Decision of the Board of Appeal:	dismissal of the appeal
Grounds of claim:	Infringement of Article 7(1)(c) of Regulation (EC) No 40/94 ⁽¹⁾

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

Action brought on 29 July 2002 by the Cámara de Comercio e Industria de Zaragoza against the Commission of the European Communities

(Case T-225/02)

(2002/C 233/55)

(Language of the case: Spanish)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 29 July 2002 by the Cámara de Comercio e Industria, Zaragoza, Spain, represented by Alfredo Sánchez-Rubio García, lawyer.

The applicant claims that the Court should:

- annul Commission Decision C(2000) 2621 of 29 December 2000 'relating to the withdrawal of aid which was allocated to the European Social Fund (ESF) by the Commission on 19.12.1991 No C(91) 2852 via the Community initiative "EUROFORM" for Spain (P.O. 913051ES8) and which the Spanish authorities (UAFSE) likewise allocated by way of ESF funds to the Cámara de Comercio e Industria (Chamber of Commerce), Zaragoza, for the "TRICOIN" project (ref.: EUR-82), for the implementation of which the company Copy Aragón de Zaragoza was responsible';
- order the Commission to pay the costs.

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The action has been brought against the decision by which the Commission withdrew the aid, initially granted by the European Social Fund, for which the undertaking COPY ARAGON S.A. had applied on 25 November 1991 for the purpose of running specialised courses in colour image processing by computer systems, financed by the Community initiative EUROFORM (TRICOIN Project). The decision was essentially based on the fact that the project concerned was not transnational.

In support of its claims, the applicant submits that:

- The Commission made errors of assessment concerning the facts on which it based its decision, in so far as regards both the description of the Chamber of Commerce, Zaragoza, as the ultimate recipient of the aid granted and the allegation that the project did not have a sufficiently transnational dimension. It points out in that connection that the Community rules on the conditions and requirements for an transnational dimension in the framework of the programme for 1988 to 1993 were neither sufficiently specific nor sufficiently clear and that consequently it was impossible to ascertain precisely which operations were transnational and which were not.
- If the international operations required by the Commission were not provided for either in the original application or in any subsequent alterations to the project and the project was approved in that form, there is no reason to impose such a requirement retroactively, inasmuch as to do so would amount to a breach of the principle of legal certainty.
- The period which elapsed between presentation on 28 July 1999 of the UAFSE document containing the submissions made in response to the defendant's notification of 11 June 1999 of its proposal to instigate the procedure for withdrawing the aid granted and the contested decision of 29 December 2000, and the period which elapsed between the date on which the Commission adopted the Decision and the date of its notification to the Chamber of Commerce, Zaragoza, on 16 May 2002 exceed what should and can be regarded as reasonable in accordance with the principle of sound administration.
- Failure to comply with the obligation to state reasons.
- The contested decision does not bear any signature establishing the document's authenticity.