

The applicant claims that the Court should:

- annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trademarks and Designs) of 19 June 2002;
- order the Defendant to remit the application to its Examination Division for re-examination of Community Trademark number 1299809.

Pleas in law and main arguments

The trade mark concerned: The figurative mark, presented as design of capsule with yellow bands — application No 1299809

Goods or service concerned: Goods in Class 5 (pharmaceuticals in the nature of anti-inflammatory analgesics)

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: Misapplication of Article 7(1)(b) of Regulation (EC) No 40/94 ⁽¹⁾

⁽¹⁾ Council Regulation (EC) No 40/94 of 20.12.1993 on the Community trade mark (OJ L 11, p. 1).

Action brought on 13 August 2002 by Albano Ferrer de Moncada against Commission of the European Communities

(Case T-246/02)

(2002/C 247/39)

(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 13 August 2002 by Albano Ferrer de Moncada, residing in Luxembourg, represented by Georges Vandersanden, Laure Levi and Aurore Finchelstein, lawyers.

The applicant claims that the Court should:

- annul the implied rejection by the appointing authority of the request of 28 August 2001 for damages on account of the undue delay by the defendant in drawing up the applicant's staff reports for the reference periods 1995-1997 and 1997-1999 and, in so far as necessary, annul the implied rejection of the complaint of 14 January 2002;
- award EUR 25 000 in damages by way of compensation for non-material damage, that amount being fixed *ex aequo et bono*;
- order the defendant to pay the costs.

Pleas in law and main arguments

By his application, the applicant, an official of the Office de Contrôle de la Sécurité at Euratom, seeks an award of damages for the alleged delay in drawing up his staff report relating to the reference periods 1995-1997 and 1997-1999.

The applicant claims that, by refusing to finalise those reports which are an essential assessment where the applicant's career is at stake, the defendant infringed Article 43 of the Staff Regulations, the provisions of the Guide de Notation and the principle of equal treatment. Furthermore, the defendant is in breach of its duty to have regard to the welfare of its officials and infringed the principle of sound administration.

Action brought on 9 August 2002 by The Christian Science Board of Directors of The First Church of Christ, Scientist against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case T-247/02)

(2002/C 247/40)

(Language of the case: English)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) was brought before the Court of First Instance of the European Communities on 9 August 2002 by The Christian Science Board of Directors of The First Church of Christ, Scientist, represented by Nicholas Green QC, Mark Engelman, barristers and by Geoffrey Smith and James Mitchiner, solicitors, Field Fisher Waterhouse, London (UK).