

**Action brought on 20 September 2002 by Eva Vega Rodríguez against Commission of the European Communities**

(Case T-285/02)

(2002/C 289/57)

(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 20 September 2002 by Eva Vega Rodríguez, residing in Brussels, represented by Juan Ramón Iturriagagoitia Bassas, lawyer.

The applicant claims that the Court should:

- annul the decision of the Commission of 25 June 2002;
- order that she be paid compensation to make good the damage suffered by her in the amount of EUR 72 292,36, subject to all manner of reservations, together with default interest at the statutory rate;
- order the defendant to pay the costs.

*Pleas in law and main arguments*

The applicant in the present case, who applied to take part in Competition COM/A/10/01, challenges the removal of question 25 from Test A of the selection procedure, following the discovery of an alleged error in it. That decision prevented her from obtaining the minimum requisite number of marks and led to her failing that part of the test.

In support of her arguments, and with regard to the content of the abovementioned question, the applicant claims that the Protocol incorporating the Schengen acquis into the European Union is indeed the Second Protocol attached to the Treaty of Amsterdam and not, as the Commission claims, Decision 1999/436/EC.

**Action brought on 23 September 2002 by Oriental Kitchen SARL against Office for the Harmonisation of the Internal Market (trade marks and designs) (OHIM)**

(Case T-286/02)

(2002/C 289/58)

(Language of the case: French)

An action against Office for Harmonisation in the Internal Market (trade marks and designs (OHIM) was brought before the Court of First Instance of the European Communities on 23 September 2002 by Oriental Kitchen SARL, whose registered office is in Choisy-le-Roi (France), represented by Jean-Jacques Sebag, lawyer. Mou Dybfros A/S, Esbjerg (Denmark) was also an intervener in the proceedings before the Board of Appeal.

The applicant claims that the Court should:

- annul the appeal decision of 28 June 2002 of the Office for the Harmonisation of the Internal Market;
- vary the decision of the Office for the Harmonisation of the Internal Market of 11 December 2000;
- reject the opposition made by Mou Dybfros A/S;
- uphold the registration of the trade mark KIAP MOU sought by Oriental Kitchen;
- order Mou Dybfros A/S to pay all the costs.

*Pleas in law and main arguments*

Applicant for the Community trade mark:	the applicant
The Community trade mark concerned:	the word mark 'KIAP MOU' registered for goods in Classes 29 and 30 (including meat and prepared dishes) — application No 950667
Proprietor of the right to the trade mark or sign asserted by way of opposition in the opposition proceedings:	Mou Dybfros A/S
Trade mark or sign asserted by way of opposition in the opposition proceedings:	the national trade mark 'MOU', registered for goods in Classes 29 and 30