

Pleas in law and main arguments

Applicant for the Community trade mark:	Creative Technology Limited.
The Community trade mark concerned:	the community trade mark application No 673327 for the word mark 'PC WORKS' for goods in class 9 (apparatus for recording, transmitting and reproducing sound or images, loudspeakers, a. o.).
Proprietor of the right to the trade mark or sign asserted by way of opposition in the opposition proceedings:	Mr José Vila Ortiz.
Trade mark or sign asserted by way of opposition in the opposition proceedings:	the Spanish figurative mark 'W WORK PRO', registered under No 1925320, in relation to goods in class 9 (sound electrical equipments, loudspeakers, sound reproducing apparatus, a. o.).
Decision of the Opposition Division:	Rejection of the Community trade mark application.
Decision of the Board of Appeal:	Dismissal of the appeal brought by Creative Technology Limited.
Grounds of claim:	the applicant submits that undue weight was given to the common element 'Work' in both marks and insufficient consideration was given to the fact that the goods in question are only bought after careful examination of the features of the goods, thus reducing the likelihood of confusion amongst the relevant public.

Action brought on 3 December 2002 by Chum Limited against the Office for Harmonisation in the Internal Market

(Case T-359/02)

(2003/C 19/80)

(Language of the case: English)

An action against the Office for Harmonisation in the Internal Market was brought before the Court of First Instance of the

European Communities on 3 December 2002 by Chum Limited, Toronto (Canada), represented by Michael Gilbert, Solicitor. A further party to the proceedings before the Board of Appeal was Star TV AG, Schlieren (Switzerland).

The applicant claims that the Court should:

- set aside the Decision of the Second Board of Appeal of OHIM, dated 17th September, 2002 in Appeal No. R1140/2000-2,
- order that the Community Trade Mark application No. 890145 be registered for the services in Class 38 and Class 41,
- order that costs be awarded to the Applicant in this Appeal, in Appeal No. R1140/2000-2 and in Opposition No. 184525.

Pleas in law and main arguments

Applicant for the Community Trade-mark:	Chum Limited
The Community trade-mark concerned:	Word mark 'STAR TV' — application No 890145, relating to goods in classes 38 and 41.
Proprietor of the right to the trade mark or sign asserted by way of opposition in the opposition proceedings:	Star TV AG
Trade-mark or sign asserted by way of opposition in the opposition proceedings:	Figurative trade-mark composed of the words 'STAR TV' superposing a big black and white star, accompanied by 3 smaller stars and a small moon (international registration No 638769, covering Austria, Germany, the Benelux, France and Italy), relating to goods in classes 38 and 41.
Decision of the Opposition Division:	Rejection of the Community Trade-mark.
Decision of the Board of Appeal:	Refusal of the Appeal.
Grounds of the claim:	Incorrect application of Article 8(1)(b) of Regulation (EC) No 40/94.