

- Order the Commission to carry out the partition scheme of bailiff M of 19 August 2002, at least in relation to the amount of his pension, which under Belgian law has protection against the seizure order of bailiff V of 18 March 2002;
- Order the Commission to compensate the applicant for the loss (including that incurred through interest payments on bridging loans and non-material damage at the discretion of the court, not being less than EUR 100, together with costs incurred in enforcing his rights) arising from the fact that, since May 2002, his pension has been entirely deposited with bailiff M, although the Commission is or must be aware that such conduct is unlawful, the amount of compensation for material damage on account of the continuing illegality to be determined in the event of the declaration being granted.

Pleas in law and main arguments

The applicant, a former temporary servant now in retirement, draws a pension from the Communities. He claims that the Commission has unlawfully made maintenance payments out of his pension to his former wives.

The applicant argues that, in making deductions from his pension, the Commission disregarded the prescribed legal and administrative rules and infringed his right to a proper hearing.

The applicant claims that the Court should:

- annul the decision of the defendant of 25 September 2002 in the appeal procedure R 338/2001-1;
- order the defendant to pay the costs.

Pleas in law and main arguments

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| Community trade mark applied for: | Word mark 'SnTEM' — Application No 1421734 |
| Goods or services: | Goods in Class 6 (inter alia, metallic semi-finished products in the form of sheets, trips, wires, tubes, sections and rods) |
| Decision before the Board of Appeal: | Refusal of registration by the examiner |
| Decision of the Board of Appeal: | Dismissal of appeal |
| Pleas in law: | — Infringement of Article 7(1)(b) and (c) of Regulation (EC) No 40/94 since the mark is not descriptive. |

Action brought on 9 December 2002 by Wieland-Werke AG against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case T-367/02)

(2003/C 55/77)

(Language of the case: German)

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 December 2002 by Wieland-Werke AG, Ulm (Germany), represented by S. Gruber and F. Graf von Stosch, lawyers.

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