

giving it the opportunity to be heard, contrary to the rights of defence and the principle of sound administration. As to substance, the applicant alleges, first misapplication of Article 93(c) and (f) of Regulation No 1605/03 and, secondly, infringement of Article 96 of that regulation and of the principle of proportionality in determining the level of sanctions. The applicant further alleges a defective statement of reasons in respect of the latter claims.

The applicant thus seeks compensation for the damage caused by the sanctions unlawfully imposed by the contested decision; such damage is not only economic in nature but is also detrimental to the image and reputation of the company.

(¹) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 248, p. 1).

Action brought on 2 June 2003 by Alecansan, S.L. against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case T-202/03)

(2003/C 184/109)

(Language of the case: Spanish)

An action against the 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 2 June 2003 by Alecansan, S.L., with its registered office in Madrid, represented by María Baylos Morales, Pedro Merino Baylos and Jesús Arribas García, lawyers at the Madrid Bar.

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal of OHIM of 24 March 2003 in Case R 711/2002-1;
- annul the decision of OHIM's Opposition Division of 17 June 2002;
- declare the mark claimed and the applicant's trade mark with priority incompatible pursuant to Article 8(1)(b) of Regulation No 40/94 on the Community trade mark;
- refuse registration of the Community trade mark 'COMP USA', no 849 497, for Classes 9 and 37; and
- order the defendant, and the intervener if he intervenes in the action for annulment, to pay the costs.

Pleas in law and main arguments

Applicant for Community trade mark: CompUSA Management Company

Community trade mark sought: Figurative trade mark 'COMP USA' — Application no 2 133 202 for goods in Classes 9 and 37 (items related to computers)

Proprietor of mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: The figurative English trade mark 'COMP USA' for goods in Class 39 (transport)

Decision of the Opposition Division: Rejection of the opposition

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Misapplication of Article 8(1)(b) of Regulation (EC) No 40/94 (likelihood of confusion)

Action brought on 11 June 2003 by Nicolas Georgiopoulos and Others against the Commission of the European Communities

(Case T-205/03)

(2003/C 184/110)

(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 11 June 2003 by Nicolas Georgiopoulos, residing in Brussels, and 4 other officials, represented by G. Bounéou and F. Frabetti, lawyers, with an address for service in Luxembourg.

The applicants claim that the Court should:

- annul the decision of the competent hierarchical authority changing, with effect from a year not further specified (1993, 1996, 1997, or another year, and for the period during which the applicants were officials of the Commission of the European Communities), the procedure for calculating the annual expense of travelling to Greece in respect of the journey via Brindisi, as taken into consideration for destinations in the Peloponnese; or, in the alternative,