

Action brought on 14 January 2004 by Alto de Casablanca, S.A. against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case T-14/04)

(2004/C 71/62)

(Language of the case to be determined pursuant to Article 131(2) of the Rules of Procedure-language in which the application was submitted: English)

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 14 January 2004 by Alto de Casablanca, S.A., Casablanca, (Chile), represented by A. W. Pluckrose, Chartered Patent Attorney. Bodegas Julián Chivite, S.L. was also a party to the proceedings before the Board of Appeal.

The applicant claims that the Court should:

- annul the decision of the Second Board of Appeals of the Office for Harmonisation in the Internal Market of 4 November 2003;
- direct the Office for Harmonisation in the Internal Market to proceed to register Community Mark Application number 568337;
- order payment of the Applicant's costs.

Pleas in law and main arguments

Applicant for the Community trade mark:	ALTO DE CASABLANCA S.A.
Community trade mark sought:	Word mark 'VERAMONTE' for goods in class 33 (wine)
Proprietor of the right to the trade mark or sign asserted by way of opposition in the opposition proceedings:	BODEGAS JULIAN CHIVITE S.L.
Trade mark or sign asserted by way of opposition in the opposition proceedings:	National marks 'BEAMONTE' and 'BODEGAS BEAMONTE' for goods in class 33 (wines, spirits, liquors) and services in class 39 (goods transportation services)
Decision of the Opposition Division:	Registration refused

Decision of the Board of Appeal: Appeal rejected

Pleas in law:

The applicant is represented by a registered patent agent and trade mark attorney, authorised to practice both in the United Kingdom and at a European level. The applicant claims that, on these grounds, its representative is also authorised to represent it before the Court of First Instance of the European Communities. In support of the substantive part of its application the applicant submits that the mark applied for did not contravene Article 8 (1) (b), of Regulation 40/94⁽¹⁾ and the Office was mistaken to refuse registration.

⁽¹⁾ Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 11, p. 1).

Action brought on 14 January 2004 by Sandoz GmbH against the Commission of the European Communities

(Case T-15/04)

(2004/C 71/63)

(Language of the case: English)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 14 January 2004 by Sandoz GmbH, Kundl, (Austria), represented by C. Thomas and N. Dagg, Solicitors, and B. Oosting, lawyer.

The applicant claims that the Court should:

- annul the Commission decision, notified to the applicant by letter dated 14 November 2003, not to proceed with the decision for a marketing authorisation of Omnitrop under Article 10(1)(a)(ii) of Directive 2001/83 and to send the CPMP opinion of 26 June 2003 back to the EMEA;
- order the Commission to pay the applicants costs.