

**Action brought on 18 February 2004 by Christos Gogos against the Commission of the European Communities**

(Case T-66/04)

(2004/C 94/156)

(Language of the Case: Greek)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 18 February 2004 by Christos Gogos, resident in Waterloo, Belgium, represented by Kharis Tagaras, lawyer.

The applicant claims that the Court should:

- annul the contested decisions, namely the decision to classify him in Grade A 7 following his success in internal competition COM/A/17/96 and the Commission's rejection dated 24 November 2003 of the his complaint under No R/323/03;
- order the Commission to pay the costs.

*Pleas in law and main arguments*

In 1997 the applicant, who is a Commission official, took part in an internal competition for promotion from Category B to Category A, but was unsuccessful in the oral test. In an action brought before the Court of First Instance<sup>(1)</sup> the decision rejecting him was annulled; he was invited to take part in a new written test, but failed again. He brought fresh proceedings against this second rejection<sup>(2)</sup>. The parties settled these proceedings on the basis that the applicant would be invited to a fresh (third) oral test; he was successful in that test and was entered on the reserve list. The applicant submitted an application for a vacant Category A post and was selected. On 31 March 2003 he was informed that his classification upon appointment was in Grade A 7.

The applicant challenges that classification, submitting that he should have been classified in Grade A 6. He pleads first of all that, if Article 233 EC, the principles of equal treatment, equity and proper administration and the principle that officials should have reasonable career prospects are applied correctly, he has to be granted the rights, of whatever nature, which he would have had if he had been entered on the competition reserve list from the beginning, without his two prior actions. He further pleads that both the Commission decision of September 1983 on the criteria applicable to appointment in grade and classification in step, as amended in 1996 in consequence of the judgment of the Court of First Instance in Case T-17/95<sup>(3)</sup>, and the Commission's administrative guide on the same subject require his initial classification in Grade A 6.

<sup>(1)</sup> Case T-95/98, OJ No C 258, 15.8.1998, p. 38.

<sup>(2)</sup> Case T-97/01, OJ No C 186, 30.6.2001, p. 17.

<sup>(3)</sup> Judgment of the Court of First Instance of 5 October 1995 in *Alexopoulou v Commission*, OJ No C 315, 25.11.1995, p. 14.

**Action brought on 12 February 2004 by S.A. Spa Monopole against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)**

(Case T-67/04)

(2004/C 94/157)

(Language of the case: to be determined pursuant to article 131(2) of the Rules of Procedure language in which the case 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 12 February 2004 by S.A. Spa Monopole, Spa, Belgium, represented by Mr L. de Brouwer, Mr E. Cornu, Mr E. De Gryse and Ms D. Moreau, lawyers.

Spa-Finders Travel Arrangements Ltd., was also a party to the proceedings before the Board of Appeal.

The applicant claims that the Court should:

- annul the Decision of the First Board of Appeal of the Office for Harmonisation of the Internal Market of 10 December 2003
- order the OHIM to pay the costs

*Pleas in law and main arguments:*

Applicant for Community trade mark:	Spa-Finders Travel Arrangements Ltd.
Community trade mark sought:	Word mark 'SPA-FINDERS' application no. 354597 for goods and services in classes 16 (printed publications etc.) and 39 (travel agency services etc.)
Proprietor of mark or sign cited in the opposition proceedings:	S.A. Spa Monopole
Mark or sign cited in opposition:	Word trade mark 'SPA' and 'LES THERMES DE SPA' for goods in Classes 3, 32 and 42
Decision of the Opposition Division	Opposition dismissed
Decision of the Board of Appeal:	Appeal rejected
Pleas in law:	Infringement of article 8(5)15 of Regulation 40/94 <sup>(1)</sup>

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