

Pleas in law and main arguments:

Community trade mark sought: Three-dimensional mark in the form of a design for kitchen towels.

Goods or services: Goods in Class 16 (rolls of paper for household use, kitchen towels, hand towels of paper) — Application No 2 101 277.

Decision contested before the Board of Appeal: Refusal to register by the examiner.

Decision of the Board of Appeal: Dismissal of the appeal.

Pleas in law: The contested decision infringes Article 7(1) of Regulation (EC) No 40/94.

The sign is clearly capable of being represented graphically for the purposes of Article 7(1)(a) and Article 4 of the Regulation.

The sign is not descriptive or customary and does not consist of a shape resulting from the nature of the goods.

The sign is sufficiently distinctive to satisfy the requirements of Article 7(1)(b) of the Regulation.

Action brought on 13 July 2004 by Michel Andrieu against the Commission of the European Communities

(Case T-285/04)

(2004/C 262/67)

(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 13 July 2004 by Michel Andrieu, residing in Saint-Mande (France), represented by S. Rodrigues and Y. Minatchy, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decisions of the appointing authority of 30 March 2004 replying to the applicant's complaint and also annul the career development report drawn up in respect of the applicant for the period 1 July 2001 to 31 December 2002;

- find that the European Community bears extra-contractual liability on account of the contested decision and the belated establishment of the applicant's career development report;

- award the applicant damages and interest for professional harm, material harm and non-material harm sustained in a total amount of EUR 64,468, including nominal damages of EUR 1 for mental harassment;

- order the defendant to pay all the costs.

Pleas in law and main arguments:

The present action is brought against the decision adopted on 31 March 2004 by the Director of Personnel and Administration of the Commission, rejecting the applicant's complaint submitted in the context of the establishment of his career development report for the period 1 July 2001 to 31 September 2002 (REC 2001-2002).

The applicant disputes the legality of that decision and also the legality of REC 2001-2002 on which the decision is based.

In support of his claims, the applicant alleges:

- Breach of the rights of the defence, having regard in particular to the non-classification of certain elements of assessment in the applicant's staff file, their partial transcription on the computerised system 'SYSPER2' and the fact that it was impossible to identify the reference REC to be taken into account;

- Breach of procedural guarantees, owing in particular to the conflict of interests on the part of the assessor and validator, and also breach of certain procedures for the implementation of Articles 43 and 45 of the Staff Regulations;

- Manifest error of assessment;

- Failure to comply with the obligation to state reasons.

Action brought on 15 July 2004 by Dimitra Lantzoni against the Court of Justice of the European Communities

(Case T-289/04)

(2004/C 262/68)

(Language of the case: French)

An action against the Court of Justice of the European Communities was brought before the Court of First Instance of the European Communities on 15 July 2004 by Dimitra Lantzoni, residing in Übersyren (Luxembourg), represented by Clara Marhuenda, lawyer, with an address for service in Luxembourg.