

The applicant claims that the Court of First Instance should:

- annul the decision notified on 12 December 2003 which used the correction coefficient for Greece for the computation of the pension;
- award the applicant as from 1 November 2003 the correction coefficient for the United Kingdom in respect of her pension;
- order the Council to pay the applicant by way of compensation for material and non-material damage a sum fixed *ex æquo* and *de bono* at EUR 20 000 in respect of loss estimated, without prejudice to any increase during the proceedings, at EUR 50 000;
- order the Council to pay the costs.

*Pleas in law and main arguments:*

The applicant in this case, a former Community official in receipt of invalidity pension, challenges the administrative authority's decision to apply to that pension the correction coefficient for Greece rather than that applicable to the United Kingdom.

On this point she states that because of her taking up residence in the latter Member State, she is entitled to the application of that coefficient and that the refusal at issue in this dispute is unlawful, in so far as it fails to have regard to the principles of equal treatment, of the protection of legitimate expectations and of proper administration.

Furthermore, she alleges that the contested decision is based on a manifest error of assessment.

**Action brought on 5 August 2004 by Citicorp against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)**

(Case T-325/04)

(2004/C 273/61)

*(Language in which the application was lodged: English)*

An action against the Office for Harmonisation in the Internal Market was brought before the Court of First Instance of the European Communities on 5 August 2004 by Citicorp, New

York (United States), represented by Dr V. von Bomhard, Dr A. Renck, Dr C. Schulte and Dr A. Pohlmann, lawyers.

Link Interchange Network 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 in the Internal Market (Trade Marks and Designs) of 18 May 2004 in case R0789/2002-1;
- order that the costs of the proceedings be borne by the defendant.

*Pleas in law and main arguments:*

Applicant for Community trade mark: Citicorp

Community trade mark concerned: The word mark 'Worldlink' (application No 111880)

Goods and services: Class 9, 16 and 36

Proprietor of mark or sign cited in the opposition proceedings: Link Interchange Network Ltd.

Mark or sign cited in opposition: The national word and device mark 'LINK' for services in class 36 (banking services for the dispensing of cash, funds transfer and payment services, financial information services)

Decision of the Opposition Division: Rejection of the Community trade mark application for the services financial affairs and monetary affairs in class 36

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of Articles 73 and 74 of Regulation No 40/94<sup>(1)</sup> and of Article 8(1)(b) of the same regulation.

<sup>(1)</sup> Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1)