

**Action brought on 5 November 2004 by France Télécom  
against Commission of the European Communities**

(Case T-444/04)

(2005/C 31/49)

(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 5 November 2004 by France Télécom, established in Paris, represented by NA. Gosset-Grainville and S. Hautbourg, lawyers.

The applicant claims that the Court should:

- annul Decision C(2004)3060, delivered by the Commission on 2 August 2004, concerning the State aid paid by France to France Télécom;
- order the Commission to pay the costs of the proceedings.

*Pleas in law and main arguments*

The pleas and main arguments put forward by the applicant in the present case are identical to those put forward by the applicant in Case T-425/04.

**Action brought on 10 November 2004 by Energy Technologies ET S.A. against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)**

(Case T-445/04)

(2005/C 31/50)

(Language in which the application was lodged: English)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) was brought before the Court of First Instance of the European Communities on 10

November 2004 by Energy Technologies ET S.A., established in Fribourg (Switzerland), represented by A. Boman, lawyer.

Aparellaje Elèctrico S.L., established in Hospitalet de Llobregat (Spain), was also a party to the proceedings before the Board of Appeal.

The applicant claims that the Court should:

- annul the contested decision of the Fourth Board of Appeal of 7 July 2004 (Case R 0366/2002-4);
- order the OHIM to pay the applicant's costs relating to this matter.

*Pleas in law and main arguments*

Applicant for Community trade mark: Energy Technologies ET S.A.

Community trade mark concerned: Word mark 'UNEX' for goods in classes 7 and 11 (Heat exchangers being part of machines; Heat exchangers as well as parts and fitting therefor) - application No 974881

Proprietor of mark or sign cited in the opposition proceedings: Aparellaje Eléctrico S.L.

Trade mark or sign cited in opposition: Spanish word mark 'UNEX' for goods in the old Spanish class 6, 17 and 61 (pipes, screws, cabling and laying of cables and pipes in electronic and electrical engineering systems;...)

Decision of the Opposition Division: Rejection of the application for Community trade mark

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of Article 8(1)(b) of Regulation No 40/94.