

Action brought on 1 December 2004 by Imagination Technologies Ltd against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case T-461/04)

(2005/C 57/44)

(Language of the case: 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 1 December 2004 by Imagination Technologies Ltd, established in Hertfordshire (United Kingdom), represented by M. Edenborough, Barrister, and P. Brownlow and N. Jenkins, Solicitors.

The applicant claims that the Court should:

- annul the decision of the second Board of Appeal No 108/2004-2;
- annul the decision of the Examination Division dated 12 September 2003;
- remit the Community trade mark application No 2 396 075 to the Office, or alternatively to the Board of Appeal, for further examination;
- order the Office to pay to the applicant the costs incurred by the applicant in connection with this appeal and the appeal before the Board of Appeal and the prosecution before the Examination Division.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'PURE DIGITAL' for goods and services in classes 9 and 38 (Electric and electronic apparatus for use with multimedia entertaining systems, video apparatus, computer hardware, provision of telecommunications access to computer databases and the internet, ...) — application No 2 396 075

Decision of the examiner: Refusal of the application.

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

Pleas in law: Violation of Articles 7(1)(b) and 7(1)(c) of Council Regulation No 40/94.

Action brought on 25 November 2004 by European Dynamics SA against the Commission of the European Communities

(Case T-465/04)

(2005/C 57/45)

(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 25 November 2004 by European Dynamics SA, Athens, Greece, represented by N. Korogianakis, lawyer.

The applicant claims that the Court should:

- annul the Decision of the Commission (DG Fisheries), of 15 September 2004, evaluating the applicant's bid as not successful and awarding the contract to the incumbent contractor;
- order the Commission to re-evaluate the tender submitted by the applicant;
- order the Commission to pay the applicant's legal costs and other costs and expenses incurred in connection with the application, even if the application is rejected.

Pleas in law and main arguments

The applicant company filed a bid in response to the Commission's call for tenders FISH/2004/02 (!) for the provision of computer and related services linked to the information systems of the Directorate - General for Fisheries. By the contested decision this bid was rejected and the contract awarded to another bidder, which was also the incumbent contractor.