

Action brought on 21 April 2005 by Renate AMM and 14 others against European Parliament

(Case T-170/05)

(2005/C 171/49)

(Language of the case: French)

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 21 April 2005 by Renate AMM, residing in Brussels, and 14 other officials, represented by Sébastien Orlandi, Xavier Martin, Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decisions to appoint the applicants as officials of the European Communities in that they fix their grade on recruitment pursuant to Article 12 or the second paragraph of Article 13 of Annex XIII to the Staff Regulations;
- order the Parliament to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments put forward are the same as those in Cases T-130/05, T-160/05 and T-162/05 and similar to those in Cases T-58/05 and T-164/05.

Action brought on 29 April 2005 by Armacell Enterprise GmbH against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case T-172/05)

(2005/C 171/50)

(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 29 April 2005 by Armacell Enterprise GmbH, established in Münster, (Germany), represented by O. Spuhler, lawyer.

NMC, Société Anonyme established in Raeren (Belgium) 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 defendant dated 23 February 2005 in Case R 552/2004-1;
- order the defendant to bear the costs of the proceedings.

Pleas in law and main arguments

Applicant for Community trade mark:

Armacell Enterprises GmbH

Community trade mark concerned:

The word mark ARMAFOAM for goods in class 20 (Foam goods made of elastomers, thermoplastics or thermosets as system component or as end use application) — application No 2 487 338

Proprietor of mark or sign cited in the opposition proceedings:

NMC S.A.

Trade mark or sign cited in opposition:

The Community word mark NOMAFOAM for goods and/or services in classes 17, 19, 20, 27 and 28 (Products in semi-processed plastic materials; polyethylene foam; building materials (non metallic); ...) Community trade mark No 672 816

Decision of the Opposition Division:

Rejection of the opposition

Decision of the Board of Appeal:

Annulment of the appealed decision and rejection of the Community trade mark application

Pleas in law:

Infringement of Article 43(5), second sentence, and Article 8(1)(b) of Council Regulation No 40/94 in that there is no likelihood of confusion between the trademarks and goods in question.
