

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity is sought:	The figurative mark PAN SPEZIALITÄTEN for goods in Class 30 (prepared baking mixtures for bread, cakes, bread rolls, croissants, pizzas...) — Community trade mark No 382 374.
Proprietor of the Community trade mark:	CHIPITA INTERNATIONAL S.A. INTERNATIONAL DIVISION
Applicant for declaration of invalidity of the Community trade mark:	The applicant
Decision of the Cancellation Division:	Rejection of the application for a declaration of invalidity.
Decision of the Board of Appeal:	Dismissal of the appeal.
Pleas in law:	<ul style="list-style-type: none"> — The registered trade mark is devoid of any distinctive character within the meaning of Article 7(1)(b) of Regulation (EC) No 40/94. — The trade mark is descriptive and is thus not capable of being protected under Article 7(1)(c) of the Regulation as regards goods containing cereals or manufactured with cereal products. The trade mark is deceptive in the sense of Article 7(1)(g) of the Regulation as regards those goods not containing cereals or not manufactured with cereal products.

**Action brought on 28 January 2005 by Anke Kröppelin
against Council of the European Union**

(Case C-T-54/05)

(2005/C 193/48)

(Language of the case: French)

An action against the Council of the European Union was brought before the Court of First Instance of the European

Communities on 28 January 2005 by Anke Kröppelin, residing in Brussels (Belgium), represented by Sébastien Orlandi, Xavier Marten, Albert Coolen, Etienne Marchal and Jean-Noël Louis, lawyers, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. annul the Council's decision rejecting the applicant's request to annul its decision not to award him the expatriation allowance and the associated rights;
2. order the defendant to pay the costs.

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The pleas in law put forward by the applicant are the same as those put forward by the same applicant in Case T-408/04 ⁽¹⁾.

⁽¹⁾ OJ 2004 C 300 of 4.12.2004, p. 50.

**Action brought on 4 May 2005 by Franky Callewaert and
Others against Commission of the European Communities**

(Case T-192/05)

(2005/C 193/49)

(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 4 May 2005 by Franky Callewaert, residing in Roeselare (Belgium) and Others, represented by Georges Vandersanden and Laure Levi, lawyers.

The applicants claim that the Court should:

- annul the classification in grade granted to the applicants in their recruitments decisions, in so far as that classification is based on Article 12(3) of Annex XIII to the new Staff Regulations;