

Action brought on 16 December 2005 — El Corte Inglés S.A. v OHIM

(Case T-443/05)

(2006/C 74/46)

Language in which the application was lodged: Spanish

Parties

Applicant: El Corte Inglés S.A. (Madrid) (represented by: Juan Luis Rivas Zurdo, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal of OHIM: Juan Bolaños Sabri

Form of order sought

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal, of 21 September 2005, in Case R 1191/2004-1, in so far as, by upholding the application by the applicant for the Community mark, that decision provides the basis for the future grant of Community trade mark No 2.456.242 'PRAÑAM DISEÑO ORIGINAL JUAN BOLAÑOS', in Class 25;
- refuse registration of the Community trade mark No 2.456.242 'PRAÑAM DISEÑO ORIGINAL JUAN BOLAÑOS', Class 25;
- order the party or parties opposing this application to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Juan Bolaños Sabri.

Community trade mark concerned: figurative mark 'PIRAÑAM diseño original Juan Bolaños' (Application No 2.456.242) for goods in Classes 16, 21 and 25.

Proprietor of the mark or sign cited in the opposition proceedings: the applicant.

Mark or sign cited in opposition: Spanish word marks 'PIRANHA' for goods in Classes 25 (No 790.520) and 18 (No 2.116.007).

Decision of the Opposition Division: the opposition upheld in part, the application for registration for goods in Class 25 being rejected.

Decision of the Board of Appeal: the decision appealed was annulled and the opposition set aside in its entirety.

Pleas in law: incorrect application of Article 8(1)(b) of Regulation No 40/94 on the Community trade mark.

Action brought on 22 December 2005 — Plantations de Mbanga v Commission

(Case T-447/05)

(2006/C 74/47)

Language of the case: French

Parties

Applicant: Société des plantations de Mbanga (SPM) SA, established in Douala, Cameroon, represented by: P. Soler Couteaux and S. Cahn, lawyers

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Court should:

- annul Commission Regulation (EC) No 2015/2005 of 9 December 2005 on imports during January and February 2006 of bananas originating in ACP countries under the tariff quota opened by Council Regulation (EC) No 1964/2005 on the tariff rates for bananas;
- order the Commission and the Council to pay all the costs and expenses.

Pleas in law and main arguments

In the context of the amendments to the specific regime for trade quotas with non-Member States forming part of the measures of market organisation in the banana sector, Council Regulation No 1964/2005 of 29 November 2005⁽¹⁾, among other things, conferred on the Commission the power to enact the measures necessary to implement that regulation, as well as transitional measures relating to the management of the tariff quota for bananas originating in ACP countries. In that context, the Commission maintained in its Regulation No 2015/2005 of 9 December 2005⁽²⁾, for the months of January and February 2006, the previous system of granting import licences on the basis of historic references⁽³⁾, as it was initially laid down by Regulation No 896/2001. The annulment of Regulation No 2015/2005 is sought in this action.