

Pleas in law and main arguments

The applicant applied for registration of the domain 'galileo.eu' as an eu. Top Level Domain. The Registry, EURid, refused that registration on the ground that the domain applied for is reserved for the defendant.

In support of its application the applicant alleges infringement of Article 9 of Regulation (EC) No 874/2004 ⁽¹⁾. In addition, it claims that its rights under the second paragraph of Article 2, the first subparagraph of Article 10(1) and the third subparagraph of Article 12(2) of Regulation No 874/2004 have been infringed.

⁽¹⁾ Commission Regulation (EC) No 874/2004 of 28 April 2004 laying down public policy rules concerning the implementation and functions of the .eu Top Level Domain and the principles governing registration.

Action brought on 17 February 2006 — Astex Therapeutics v OHIM

(Case T-48/06)

(2006/C 86/78)

Language in which the application was lodged: English

Parties

Applicant: Astex Therapeutics Limited (Cambridge, United Kingdom) [represented by: M. Edenborough, Barrister, and R. Harrison, Solicitor]

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

Other party to the proceedings before the Board of Appeal: Protec Health International Limited (Cirencester, United Kingdom)

Form of order sought

- annul the contested decision of the Second Board of Appeal of the OHIM, of 29 November 2005, in case R 651/2004 — 2 in its entirety or, alternatively, in part;
- order that the opponent pays to the applicant/appellant the costs incurred by the applicant/appellant in connection with this appeal (if the opponent intervenes in this appeal) and the appeal before the Board of Appeal and the opposition before the Opposition Division (in any event). Further,

order that the Office is jointly and severally liable with the opponent for the applicant's/appellant's costs incurred in connection with this appeal before the Court of First Instance.

Pleas in law and main arguments

Applicant for the Community trade mark: The applicant

Community trade mark concerned: Figurative mark 'Astex Technology' for goods in class 5 (pharmaceuticals)

Proprietor of the mark or sign cited in the opposition proceedings: Protec Health International Limited.

Mark or sign cited: Community word trade mark 'Astex' for goods and services in classes 5 (insecticides for killing dust mites) and 24 (textiles etc.)

Decision of the Opposition Division: Refuses registration

Decision of the Board of Appeal: Dismisses the appeal

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

Action brought on 17 February 2006 — Ireland v Commission

(Case T-50/06)

(2006/C 86/79)

Language of the case: English

Parties

Applicant: Ireland [represented by: D. O'Hagan, agent, P. McGarry, Barrister]

Defendant: Commission of the European Communities

Form of order sought

- Annul, in whole or in part, pursuant to Article 230 of the Treaty, Commission Decision C[2005] 4436 Final of 7 December insofar as it relates to the exemption from excise duty on mineral oils used as fuel for alumina production in the Shannon region implemented by Ireland;
- order the Commission to pay the costs of these proceedings.