

**Action brought on 4 May 2006 — Sonia Rykiel Création et Diffusion de Modèles v OHIM — Cuadrado (SONIA SONIA RYKIEL)**

**(Case T-131/06)**

(2006/C 165/55)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Sonia Rykiel Création et Diffusion de Modèles (Paris, France) (represented by: E. Baud, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Cuadrado S.A. (Paterna, Spain)

**Form of order sought**

- Annul the decision of the First Board of Appeal of the Office of Harmonization in the Internal Market (Trade Marks and Designs) of 30 January 2006 in Case R 329/2005-1;
- Order that the costs of the proceedings be borne by the defendant and, if appropriate, the intervener.

**Pleas in law and main arguments**

*Applicant for the Community trade mark:* Sonia Rykiel Création et Diffusion de Modèles.

*Community trade mark concerned:* The figurative mark 'SONIA SONIA RYKIEL' for goods in classes 3, 9, 14, 18 and 25 (Community trade mark application No 1035625)

*Proprietor of the mark or sign cited in the opposition proceedings:* Cuadrado, S.A.

*Mark or sign cited:* The national trade marks 'SONIA' for goods in classes 24 and 25.

*Decision of the Opposition Division:* Rejection of the opposition with respect to the goods covered in class 25.

*Decision of the Board of Appeal:* Annulment of the decision of the Opposition Division and rejection of the mark applied for, for all goods covered by it in class 25.

*Pleas in law:* Infringement of Article 43(3) of Regulation No 40/94 and of Article 8(1)(b) of Regulation No 40/94.

**Action brought on 12 May 2006 — Gorostiaga Atxalandabaso v Parliament**

**(Case T-132/06)**

(2006/C 165/56)

*Language of the case: French*

**Parties**

*Applicant:* Koldo Gorostiaga Atxalandabaso (Saint Pierre-d'Irube, France) (represented by: D. Rouget, lawyer)

*Defendant:* European Parliament

**Form of order sought**

- annul the contested decision of the Secretary-General of 22 March 2006;
- order the defendant to bear its own costs and pay those of the applicant.

**Pleas in law and main arguments**

On 22 December 2005, in an action brought by the applicant, a former Member of the European Parliament, the Court of First Instance of the European Communities gave a judgment (Case T-146/04 *Koldo Gorostiaga Atxalandabaso v Parliament* (1)) in which it annulled, on the ground of procedural irregularity, the decision of the Secretary-General of the European Parliament of 24 February 2004 concerning the recovery of sums paid to the applicant as parliamentary expenses and allowances in so far as it provided that the sum owed by the applicant would be recovered by offsetting. The remainder of the application was dismissed. Following that judgment, the Secretary-General of the Parliament adopted a new decision on 22 March 2006 for recovery of the sums paid to the applicant by offsetting. That is the contested decision.

In support of his action for annulment, the applicant submits first an argument relating to infringement of *res judicata* in so far as the procedure for adopting the contested decision is not, in his opinion, in accordance with the Court of First Instance's judgment of 22 December 2005. The second argument relates to alleged infringement of the Rules governing the payment of expenses and allowances to Members of the European Parliament, in particular Article 27(3) and (4) thereof. Furthermore, the applicant submits that there is *force majeure* in that it is impossible for him to gain access to his accounts and the authorities of one of the Member States refuse to return to him a sum attached during other proceedings. The applicant also submits infringement of essential procedural requirements in so