

In support of its claims the applicant puts forward that, in the framework of the said tendering procedure, DG TAXUD failed to respect the procedural requirements set out in the Financial Regulation and its Implementing Rules, thus resulting in unequal treatment of tenderers and violation of principles of transparency and sound administration. Moreover, DG TAXUD's decision allegedly contained manifest errors of assessment and according to the applicant, by far exceeded the discretion that European Institutions dispose of when evaluating tenders.

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**Action brought on 26 August 2006 — Casa Editorial El Tiempo v OHIM – Instituto Nacional de Meteorología (EL TIEMPO)**

(Case T-233/06)

(2006/C 261/43)

*Language in which the application was lodged: Spanish*

**Parties**

*Applicant:* Casa Editorial El Tiempo SA (Bogotá, Colombia) (represented by: A. Fernández Lerroux, 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:* Instituto Nacional de Meteorología

**Form of order sought**

- annul the decision of the Fourth Board of Appeal of OHIM of 22 June 2006 in Case R-760/2005-4;
- order the defendant and the other party before the Board of Appeal to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Casa Editorial El Tiempo SA

*Community trade mark concerned:* Word mark EL TIEMPO (application No 1685056) for goods and services in Classes 16, 35, 38 and 41

*Proprietor of the mark or sign cited in the opposition proceedings:* Instituto Nacional de Meteorología

*Mark or sign cited in opposition:* National word marks EL TIEMPO for publications (unregistered, but well-known), TELE-TIEMPO for goods in Class 16 (No 1902923) and services in

Class 38 (No 2217494, and TELETIEMPO INSTITUTO NACIONAL DE METEOROLOGÍA for services in Classes 35 (No 2217493) and 41 (No 2217492)

*Decision of the Opposition Division:* Opposition upheld and refusal of the application for a Community trade mark

*Decision of the Board of Appeal:* Rejection of the opposition in respect of the following services: 'advertising; business management; business administration; office functions' (Class 35) and 'entertainment; sporting and cultural activities' (Class 41)

*Pleas in law:* Misapplication of Article 8(1)(b) of Regulation (EC) No 40/94 on the Community trade mark

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**Action brought on 4 September 2006 — Torresan v OHIM — Klosterbrauerei Weissenohe (CANNABIS)**

(Case T-234/06)

(2006/C 261/44)

*Language in which the application was lodged: Italian*

**Parties**

*Applicant:* Giampietro Torresan (Schonenfels, Switzerland) (represented by: Gianluca Recher, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Klosterbrauerei Weissenohe GmbH & Co. KG

**Form of order sought**

- annul the decision of the Second Board of Appeal of 29 June 2006 in proceedings R 517/2005-2, notified by fax of 5 July 2006, and confirm the registration of the Community trade mark CANNABIS for Classes 32 and 33;
- in any case, order the costs of all of the proceedings to be reimbursed, including those of the previous two appeals before OHIM.

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* Word mark 'CANNABIS' (application for registration No 1.073.349), for goods and services in Classes 32, 33 and 42.

*Proprietor of the Community trade mark:* The applicant.