

**Action brought on 4 May 2007 — Européenne de traitement de l'Information (Euro-Information) v OHIM**

(Case T-155/07)

(2007/C 140/68)

*Language in which the application was lodged: French***Parties**

*Applicant:* Européenne de traitement de l'Information (Euro-Information) (Strasbourg, France) (represented by: P. Greffe and J. Schouman, lawyers)

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

**Form of order sought**

- annulment of the decision of the First Board of Appeal of OHIM of 28 February 2007 and notified on 8 March 2007, Case R 1046/2006-1, in so far as it refused registration of the Community trade mark CYBERBOURSE as set out in application No 4 114 682 in respect of some of the goods and services claimed in Classes 9, 36 and 38;
- registration of the Community trade mark CYBERBOURSE as set out in application No 4 114 682 in respect of all of the goods and services claimed.

**Pleas in law and main arguments**

*Community trade mark concerned:* Word mark CYBERBOURSE for goods and services in Classes 9, 36 and 38 (application No 4 114 682)

*Decision of the Examiner:* Refusal to register

*Decision of the Board of Appeal:* Dismissal of the action

*Pleas in law:* The applicant states that, contrary to what the Board of Appeal of OHIM found in the contested decision, its trade mark is arbitrary and has sufficient distinctive character as required by Council Regulation No 40/94 <sup>(1)</sup> in respect of the goods and services claimed.

<sup>(1)</sup> Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).

**Action brought on 9 May 2007 — Spain v Commission**

(Case T-156/07)

(2007/C 140/69)

*Language of the case: Spanish***Parties**

*Applicant:* Kingdom of Spain (represented by: F. Díez Moreno)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul Notice of open competition EPSO/AD/94/07 published by the European Personnel Selection Office (EPSO) in OJEU 2007 C 45 A of 28 February 2007;
- order the Commission to publish all notices of competitions to fill posts in the European Civil Service in the Official Journal in all languages;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The present action is brought against Notice of open competition EPSO/AD/94/07, published by the European Personnel Selection Office (EPSO) in OJEU 2007 C 45 A of 28 February 2007, in so far as that notice was published in only the English, French and German versions of the OJEU.

The applicant contends that by acting in that manner the defendant has infringed Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community and Council Regulation No 259/68 of 29 February 1968 laying down the Staff Regulations of the European Civil Service. The defendant has also infringed the principles of equality and non-discrimination for European citizens, proportionality and legal certainty, recognised in the EC Treaty and in the consistent case-law of the Court of Justice.

As regards, specifically, the principle of legal certainty, the applicant observes that the Staff Regulations of Officials provide, in Annex II, that notices of open competitions are to be published in the *Official Journal of the European Communities*. In fact, in accordance with Article 5 of Council Regulation No 1/58, the Official Journal is to be published in the 23 official languages. However, the notice in question was published in only three official languages.

The applicant submits, last, that there has also been an interference with the exclusive competence of the Council, acting unanimately, to amend the rules on the languages to be used by the Community.