

Decision of the Opposition Division: Upheld the opposition in its entirety

Decision of the Board of Appeal: Rejected the opposition

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

Action brought on 29 June 2007 — ITT Manufacturing Enterprises v OHIM — ITT Trademark & Trade (I.T.T.)

(Case T-231/07)

(2007/C 199/83)

Language in which the application was lodged: English

Parties

Applicant: ITT Manufacturing Enterprises Inc. (Wilmington, United States) (represented by: F. Delord, Solicitor)

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

Other party to the proceedings before the Board of Appeal: ITT Trademark & Trade GmbH (Munich, Germany)

Form of order sought

The applicant requests the Court to:

- annul the contested decision, uphold decision No 565/2005 and order the defendant to pay the applicant's costs of this appeal; in the alternative
- alter the contested decision, uphold decision No 565/2005 and order the defendant to pay the applicant's costs of this appeal.

Pleas in law and main arguments

Applicant for the Community trade mark: ITT Trademark & Trade GmbH

Community trade mark concerned: The Community word mark 'ITT' for goods and services in Class 7, 9, and 11 — application No 1152339

Proprietor of the mark or sign cited in the opposition proceedings: ITT Manufacturing Enterprises Inc.

Mark or sign cited: The national figurative trade marks as well as non-registered wellknown trade marks used in the course of trade in the Community containing or consisting of the word element 'ITT' for goods and services in a large number of Classes

Decision of the Opposition Division: Upheld the opposition in its entirety

Decision of the Board of Appeal: Rejected the opposition

Pleas in law: The applicant contests the Board's finding according to which the Opposition Division based its decision on an incorrect mark.

Action brought on 5 July 2007 — Spain v Commission

(Case T-232/07)

(2007/C 199/84)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: N. Díez Abad)

Defendant: Commission of the European Communities

Form of order sought

- annul the notice of Open Competition EPSO/AD/95/07 published by the European Personnel Selection Office (EPSO) in the *Official Journal* (OJ C 103 A) on 8 May 2007;
- order the Commission to publish all notices of competitions for posts in the European civil service in the *Official Journal* in all languages;
- order the present case to be joined with Case T-156/07;
- order the defendant to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are practically identical to those relied on in Case T-156/07 *Kingdom of Spain v Commission* ⁽¹⁾.

⁽¹⁾ OJ C 140, 23.6.2007, p. 1.

Order of the Court of First Instance of 13 June 2007 — Multikauf Warenhandels-gesellschaft v OHIM — Demo Holding (webmulti)

(Case T-395/05) ⁽¹⁾

(2007/C 199/85)

Language of the case: German

The President of the Court of First Instance (Third Chamber) has ordered that the case be removed from the register.

⁽¹⁾ OJ C 48, 25.2.2006.