

Pleas in law and main arguments

By the present action, the applicant seeks the annulment of Commission Decision No REM 03/05 of 7 May 2007 holding that the remission of import duties is not justified in the particular case of the applicant. That decision was issued following the application made to the Commission by the French national authorities, who had claimed from the applicant payment of anti-dumping duties on importation of colour television receivers manufactured in Thailand by its subsidiary there, and on which the subsidiary had applied for remission on the basis of Article 239 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code. ⁽¹⁾

The applicant considers that it is entitled to the remission on the basis of Article 239 of Regulation (EEC) No 2913/92, since, in its opinion, it satisfies the two conditions laid down in that provision.

As regards the first condition (the existence of a special situation), the applicant claims that its situation is certainly special and is the result of, first, the conduct of the Commission which changed its approach to interpretation of the legal provisions on the origin of goods without having properly informed traders, and, second, the conduct of the national authorities who followed the approach adopted by the Commission.

As regards the second condition referred to in Article 239 of Regulation (EEC) No 2913/92 (no deception or negligence), the applicant claims that it cannot be considered to have been negligent since it trusted in the validity of the initial position of the Commission's services, who, in the opinion of the applicant, decided not to employ in its case a strict application of the rules of origin but to apply to it the special anti-dumping duties on all the receivers manufactured and exported by its Thailand subsidiary.

⁽¹⁾ OJ L 302, p. 1.

Action brought on 20 June 2007 — Prana Haus v OHIM (PRANAHAUS)

(Case T-226/07)

(2007/C 211/71)

Language of the case: German

Parties

Applicant: Prana Haus (Freiburg, Germany) (represented by N. Hebeis, lawyer)

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

Form of order sought

- annul the Decision of the First Board of Appeal of 18 April 2007 in Case R 1611/2006-1;
- order the Office for Harmonisation in the Internal Market to enter trade mark application No 4 839 916 'PRANAHAUS' in the Register of Community trade marks and
- order the Office for Harmonisation in the Internal Market to pay the costs of the proceedings.

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Community trade mark concerned: The word mark 'PRANAHAUS' for goods and services in classes 9, 16 and 35 (application No 4 839 916)

Decision of the Examiner: Refusal of the application

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of Article 7(1)(b) and (c) of Regulation (EC) No 40/94 ⁽¹⁾, since there is no absolute ground for refusal of registration of the trade mark applied for.

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

Action brought on 28 June 2007 — Spain v Commission

(Case T-227/07)

(2007/C 211/72)

Language of the proceedings: Spanish

Parties

Applicant: Kingdom of Spain (represented by: M. Muñoz Pérez)

Defendant: Commission of the European Communities