

Action brought on 4 October 2007 — FIFA v Commission

(Case T-385/07)

(2007/C 315/77)

*Language of the case: English***Parties**

Applicant: Fédération Internationale de Football Association (FIFA) (represented by: R. Denton, E. Batchelor and F. Young, Solicitors)

Defendant: Commission of the European Communities

Form of order sought

- The annulment of the decision, in particular Articles 1-2 thereof; and
- an order that the Commission pay its own costs and FIFA's costs in connection with these proceedings.

Pleas in law and main arguments

Under Article 3a of Council Directive 89/552/EEC ⁽¹⁾ a Member State may draw up a list of sporting or other events that are considered to be events of 'major importance to society'. The events on the list cannot be the subject of exclusive broadcasting rights which prevent a substantial proportion of the public in that Member State from watching the event via live coverage or deferred coverage on free television.

The applicant seeks the annulment of Commission Decision 2007/479/EC of 25 June 2007 ⁽²⁾ by which the Commission declared that the list drawn up by Belgium pursuant to Article 3a(1) of Council Directive 89/552/EEC was compatible with Community law.

In support of its application the applicant submits that the Belgian list restricts the freedom to provide services by preventing the applicant from licensing foreign broadcasters with live exclusive FIFA World Cup broadcasting rights in respect of the Belgian market and that the listing of all FIFA World Cup matches, regardless of popularity, is not justified, proportionate or necessary.

Furthermore, the applicant alleges that the Belgian list restricts freedom of establishment by preventing the applicant from licensing new entrants who wish to use premium sports broadcasting to establish themselves on the Belgian market.

Moreover, the applicant contends that the Belgian list infringes the applicant's property rights by depriving it of exclusivity in respect of its broadcasting rights, recognised according to the applicant by EC law to be the essence of intellectual property protection.

Finally, the applicant argues that contrary to Article 3a(1) of Council Directive 89/552/EEC the Belgian list was not drawn up in a clear and transparent manner.

⁽¹⁾ Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities (OJ 1989 L 298, p. 23).

⁽²⁾ Commission Decision 2007/479/EC of 25 June 2007 on the compatibility with Community law of measures taken by Belgium pursuant to Article 3a(1) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ 2007 L 180, p. 24).

Action brought on 15 October 2007 — Alber v OHIM (part of hand grip)

(Case T-391/07)

(2007/C 315/78)

*Language of the case: German***Parties**

Applicant: Alfons Alber (Vöran, Italy) (represented by: S. Schneller, lawyer)

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

Form of order sought

- annul the decision of the Board of Appeal of the Office for Harmonisation in the Internal Market of 16 August 2007 and the decision of the Office for Harmonisation in the Internal Market of 16 January 2007 in so far as those decisions reject registration of Community trade mark No 4 396 727 in respect of the goods 'manually operated tools for agricultural, horticultural and forestry activities, including garden shears, tree pruning shears, hedge clippers; manually operated secateurs ...';
- hold oral proceedings before the Court of First Instance;
- order the defendant to pay the costs of the proceedings;
- in the alternative, remit the case to the Office for Harmonisation in the Internal Market;