

Pleas in law and main arguments

Community trade mark concerned: The word mark 'PharmaResearch' for goods and services in Class 9 (Application No 5 309 836)

Decision of the Examiner: Rejection of the application

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of Art 7(1)(b) and (c) of Regulation (EC) No 40/94 ⁽¹⁾, since there were no grounds for refusal of registration.

⁽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 25 December 2007 — Osram v Council**(Case T-466/07)**

(2008/C 51/95)

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

Applicant: Osram GmbH (Munich, Germany) (represented by: R. Bierwagen, lawyer)

Defendant: Council of the European Union

Form of order sought

- Annul Council Regulation (EC) No 1205/2007 and order that the contested regulation's effects be upheld until a fresh review regulation comes into force.
- Order the defendant to bear the costs of the present proceedings.

Pleas in law and main arguments

The applicant, who is a German producer of a broad range of various types of light bulbs, including integrated electronic fluorescent lamps (CFL-i), seeks the annulment of Council Regulation (EC) No 1205/2007 of 15 October 2007 imposing anti-dumping duties on imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 384/96 and extending to imports of the same product consigned from the Socialist Republic of Vietnam, the Islamic Republic of Pakistan and the Republic of the Philippines ⁽¹⁾, as this regulation only provides for the conti-

nuation of the anti-dumping duties for one year instead of the five-year period foreseen in the Basic Regulation ⁽²⁾.

In support of its application, the applicant submits, first of all, that the Council committed a manifest error of assessment by holding that two entities of the Philips group are 'Community producers' within the meaning of Article 4(1)(a) of the Basic Regulation.

Secondly, the applicant submits that the Council committed a manifest error of law by applying a Community interest test even though such a test is not foreseen for an expiry review.

Thirdly, the applicant contends that the Council breached Article 11(2) of the Basic Regulation and abused its powers by limiting the duration of the anti-dumping duties to one year.

Finally, the applicant alleges that the Council based the Community interest test on manifestly erroneous factual findings, made an erroneous assessment and failed to state reasons.

⁽¹⁾ OJ 2007 L 272, p. 1.

⁽²⁾ Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (OJ 1996 L 56, p. 1).

Action brought on 21 December 2007 — Du Pont de Nemours (France) and Others v Commission**(Case T-467/07)**

(2008/C 51/96)

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

Applicants: Du Pont de Nemours (France) SAS (Puteaux, France), Du Pont Portugal — Serviços, sociedade unipessoal, Ld.^a (Lisbon, Portugal), Du Pont Ibérica SL (Barcelona, Spain), E.I. du Pont de Nemours & Co (Wilmington, United States), Du Pont de Nemours Italiana SRL (Milan, Italy), Du Pont De Nemours (Nederland) BV (Dordrecht, Netherlands), Du Pont de Nemours (Deutschland) GmbH (Bad Homburg v.d. Höhe, Germany), DuPont Poland sp. z o. o. (Warsaw, Poland), DuPont Romania SRL (Bucharest, Rumania), DuPont International Operations SARL (Le Grand Saconnex, Switzerland), Du Pont de Nemours International SA (Le Grand Saconnex, Switzerland), DuPont Solutions (France) SAS (Puteaux, France), Du Pont Agro Hellas AE (Halandri, Greece) (represented by: D. Waelbroeck and I. Antypas, lawyers)

Defendant: Commission of the European Communities