The second plea is based on the alleged infringement of the principles of the legality of Community acts, of the temporal application of Community acts and of legal certainty in that the Civil Service Tribunal did not state grounds for its judgment on the issues relating to the application, in the present case, of the rules contained in the old and new Staff Regulations.

Further, the appellant alleges that the Civil Service Tribunal misinterpreted the facts submitted for its assessment.

She also pleads an error of assessment and an infringement by the Civil Service Tribunal of Articles 11, 12, 17 and 21 of the Staff Regulations in that it did not provide adequate grounds in law for its judgment to the extent that it approved the application of those provisions as effected by the decision contested at first instance.

Lastly, the appellant claims that the Civil Service Tribunal also infringed the principles recognised in Articles 6(1) and 13 of the European Convention on Human Rights and Articles 41 and 47 of the Charter of Fundamental Rights of the European Union.

Action brought on 8 January 2008 — Evets v OHIM (DANELECTRO)

(Case T-20/08)

(2008/C 64/98)

Language of the case: English

Parties

Applicant: Evets Corporation (Irvine, United States) (represented by: S. Ryan, Solicitor)

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

Form of order sought

— That the decision R 603/2007 — 4 of the Fourth Board of Appeal of 5 November 2007 be set aside;

— that an order be substituted that the application for *restitutio in integrum* was brought within the time-limits as prescribed by Article 78(2);

— that the matter be referred back to the Fourth Board of Appeal for them to deal with the substantive issue as to whether all due care was taken to renew the trade mark concerned;

— that the costs be borne by the defendant.

Pleas in law and main arguments

Community trade mark concerned: The Community word mark 'DANELECTRO' for goods and services in classes 9 and 15 — application No 117 937

Decision of the Administration of Trade Marks and Legal Division: Refused the request for *restitutio in integrum* and declared the trade mark as deemed to have been cancelled

Decision of the Board of Appeal: Dismissed the appeal and declared the *restitutio in integrum* request as deemed not to have been filed

Pleas in law: Infringement of Article 78(2) of Council Regulation (EC) No 40/94.

The applicant claims that the question of compliance with the two month time-limit set by the abovementioned provision for the filing of the application for renewal of trade mark registrations and payment of the renewal fee was not part of the appeal. Should the Court decide that the Board was entitled to examine this issue, the applicant alternatively argues that the time-limit was calculated in an incorrect fashion.

Action brought on 8 January 2008 — Evets v OHIM (QWIK TUNE)

(Case T-21/08)

(2008/C 64/99)

Language of the case: English

Parties

Applicant: Evets Corporation (Irvine, United States) (represented by: S. Ryan, Solicitor)

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

Form of order sought

— That the decision R 604/2007– 4 of the Fourth Board of Appeal of 5 November 2007 be set aside;