

The applicant claims in support of its action that the contested decision is based on an erroneous assessment of the facts. In particular, adequate supporting evidence was inappropriately regarded as being inadequate, and costs of employing temporary assistants and trainees, together with costs provided for in the budget and certain travel costs were inappropriately disallowed.

(<sup>1</sup>) Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) (OJ 2004 L 143, p. 1).

**Action brought on 28 January 2008 — Furukawa Electric North America v OHIM (SLIM LINE)**

(Case T-36/08)

(2008/C 79/62)

*Language in which the application was lodged: German*

#### Parties

*Applicant:* Furukawa Electric North America, Inc. (Norcross, United States of America) (represented by O. Rauscher, lawyer)

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

#### Form of order sought

The applicant claims that the Court should:

- annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 22 November 2007 in case number R 1532/2007-2;
- order the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to pay the costs.

#### Pleas in law and main arguments

*Community trade mark concerned:* the word mark 'SLIM LINE' for goods in Class 9 (Application No 5 907 266)

*Decision of the Examiner:* Refusal of the application

*Decision of the Board of Appeal:* Dismissal of the appeal

*Pleas in law:* Misapplication of Article 7(1)(b) and (c) of Regulation (EC) No 40/94 (<sup>1</sup>), as the name 'SLIM LINE' is neither a descriptive indication nor is it devoid of any distinctive character.

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

**Appeal brought on 28 January 2008 by Luigi Marcuccio against the judgment of the Civil Service Tribunal delivered on 6 December 2007 in Case F-40/06, Marcuccio v Commission**

(Case T-46/08 P)

(2008/C 79/63)

*Language of the case: Italian*

#### Parties

*Appellant:* Luigi Marcuccio (Tricase, Italy) (represented by G. Cipressa, lawyer)

*Other party to the proceedings:* Commission of the European Communities

#### Form of order sought by the appellant

- annul the order delivered on 6 December 2007 in Case F-40/06 *Marcuccio v Commission* of the First Chamber of the Public Service Tribunal of the European Union insofar as (a) the action brought by the applicant at first instance was dismissed on grounds other than absence of legal interest in bringing proceedings; (b) the applicant's claims to obtain compensation in respect of the damage ('the damage in question') arising from the facts in the case were rejected; and (c) the applicant was ordered to pay the defendant's costs;
- declare that the action at first instance was admissible, and in particular that the applicant, at the time he brought that action, had a legal interest in bringing proceedings;
- uphold the conclusions relating to compensation for the damage in question and order the defendant to pay all the costs borne by the applicant in respect of both the action at first instance and the present appeal;
- in the alternative, refer the present case back to the Public Service Tribunal for a ruling on: (a) all those parts of the present case on which the court did not rule or which were annulled by the judgment to be made in this appeal; (b) the costs of the action at first instance and of the appeal.