

**Action brought on 17 December 2008 — Monoscoop v OHIM (SUDOKU SAMURAI BINGO)**

(Case T-564/08)

(2009/C 44/108)

*Language in which the application was lodged: Spanish*

**Parties**

*Applicant:* Monoscoop BV (Alkmaar, Netherlands) (represented by A. Canela Giménez, lawyer)

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

**Form of order sought**

- annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 30 September 2008, in Case R 816/2008-2; and
- order OHIM to pay the costs.

**Pleas in law and main arguments**

*Community trade mark concerned:* the word mark 'SUDOKU SAMURAI BINGO' (Application for registration No 5.769.013) for goods and services in classes 9, 28 and 41.

*Decision of the Examiner:* Rejection of the application.

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

*Pleas in law:* Incorrect application of Article 7(1)(b) and (c) and Article 7(2) of Regulation (EC) No 40/94 on the Community trade mark.

**Appeal brought on 19 December 2008 by the Commission of the European Communities against the judgment of the Civil Service Tribunal delivered on 13 November 2008 in Case F-90/07 Traore v Commission**

(Case T-572/08 P)

(2009/C 44/109)

*Language of the case: French*

**Parties**

*Appellant:* Commission of the European Communities (represented by J. Currall, G. Berscheid and B. Eggers, acting as Agents)

*Other party to the proceedings:* Amadou Traore (Rhode-Saint-Genèse, Belgium)

**Form of order sought by the appellant**

- annul the judgment of the Civil Service Tribunal of 13 November 2008 in Case F-90/07 in so far as it upheld the first plea alleging irregularity of the recruitment procedure, infringement of Articles 7(1) and 29(1) of the Staff Regulations and the principles of equal treatment and eligibility for promotion, in that the level of posts was fixed at grades AD9 to AD14 in so far as it concerned the post of head of operations in Tanzania, and annulled the rejection of Mr Traore's candidature and the appointment of Mr S. to that post;
- dismiss the action brought by Mr Traore before the Civil Service Tribunal in Case F-90/07 in so far as it was upheld by that tribunal;
- order the applicant at first instance to pay the costs of the appeal and rule as required on the costs of the proceedings before the Civil Service Tribunal.

**Pleas in law and main arguments**

By this appeal, the Commission seeks the annulment of the judgment of the Civil Service Tribunal (CST) of 13 November 2008 in Case F-90/07 *Traore v Commission*, in which the CST annulled the Commission's decision of 12 December 2006, rejecting Mr Traore's candidature for the post of head of operations of the Commission's delegation in Tanzania and the decision to appoint another candidate to that post, inasmuch as the level at which the post at issue was to be filled had been fixed at grades AD 9 to AD 14 (and not limited to one of the groups of two grades AD 9/AD 10, AD 11/AD 12 or AD 13/AD 14).

In support of its appeal, the Commission adduces pleas alleging:

- error of law by the CST in misinterpreting the judgment of the Court of First Instance of 8 July 2008 in Case T-56/07 P *Commission v Economidis* (not yet published in the ECR), in so far as the CST erroneously limited the scope of that judgment to the case of filling a post of head of unit, whereas the same conditions applied to other AD posts, such as that at issue in this case;
- infringement of the principles of respect for the general interests of the service and sound administration.