

Sixth, the applicant takes issue with the reasoning employed by the Committee on Legal Affairs to the effect that 'an MEP's duties do not include acting as responsible editor for a national party newspaper'. The applicant takes the view that one of the tasks of a politician is to express and disseminate a political opinion, and the publication and drafting, as the responsible editor, of political tracts and publications is, in particular, part of the task of a member of the European Parliament.

**Action brought on 15 January 2009 — Euro-Information v OHIM (EURO AUTOMATIC CASH)**

(Case T-15/09)

(2009/C 69/105)

*Language in which the application was lodged: French*

**Parties**

*Applicant:* Européenne de traitement de l'Information (Euro-Information) (Strasbourg, France) (represented by: A. Grolée, lawyer)

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

**Form of order sought**

- annulment of the decision of the Fourth Board of Appeal of OHIM of 18 November 2008, Case R 70/2006-4, in that it refused registration of the Community trade mark application EURO AUTOMATIC CASH No 4 114 864 with regard to the entirety of the goods and services claimed in Classes 9, 35, 36, 37, 38 and 42;
- registration of the application for Community trade mark EURO AUTOMATIC CASH No 4 114 864 for all the goods and services referred to in the application filed;
- OHIM to be ordered to pay the costs of the applicant incurred in the proceedings before OHIM and in the present action, under Article 87 of the Rules of Procedure.

**Pleas in law and main arguments**

*Community trade mark concerned:* The word mark 'EURO AUTOMATIC CASH' for goods and services in Classes 9, 35, 36, 37, 38 and 42 — application No 4 114 864

*Decision of the Examiner:* Refusal of the application for registration

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

*Pleas in law:* Infringement of Article 7(1)(b) and (c) and of Article 7(2) of Council Regulation No 40/94, since the trade mark applied for is not descriptive and has the necessary distinctive character.

**Action brought on 16 January 2009 — Eurotel SpA v OHIM**

(Case T-21/09)

(2009/C 69/106)

*Language in which the application was lodged: Italian*

**Parties**

*Applicant:* Eurotel SpA (Milan, Italy) (represented by: F. Paola, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* DVB Project

**Form of order sought**

- Annul the decision of the Board of Appeal and, consequently, declare invalid the figurative Community mark 'DVB', which is manifestly contrary to the spirit and wording of Article 7(1)(b), (c) and (d) of the Regulation on the Community trade mark;
- Order OHIM to pay the costs.

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* figurative mark 'DVB' (registration application No 2.75.771), for goods and services in Classes 9 and 38.

*Proprietor of the Community trade mark:* DVB Project.

*Applicant for the declaration of invalidity:* the applicant.

*Trade mark right of applicant for the declaration:* the party seeking a declaration of invalidity is not claiming any trade mark right, but argues that the mark in question is descriptive and generic.

*Decision of the Cancellation Division:* application for declaration of invalidity dismissed.

*Decision of the Board of Appeal:* Appeal dismissed.

*Pleas in law:* Infringement of Article 7(1)(b), (c) and (d) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark.