Secondly, the appellants maintain, as regards paragraphs 39 to 41 of the contested order, that, in not having discounted the possibility that the undertaking by the European Parliament, contained in a decision of 13 February 2006, to reclassify its employees — who were recruited as temporary servants before 1 May 2004 after having passed an internal or open competition published before 1 May 2004 and were subsequently appointed as officials in the same category but in a lower grade than that in which they would have been appointed before 1 May 2004 — stemmed from an obligation in the Staff Regulations, the CST infringed the case-law cited in paragraph 37 of the contested order.

Furthermore, the appellants submit that the question whether there is an obligation stemming from the Staff Regulations is not a point of fact in respect of which proof should have been adduced by the appellants, but a point of law which the CST should have resolved and that a difference in the classification of officials whose factual and legal situations are identical or similar stemming from a position adopted subsequently by an institution other than that to which the appellants belong constitutes a material new fact which warrants a re-examination of the appellants' classification in grade.

Thirdly, the appellants submit that the CST failed to have regard to the concept of excusable error in so far as the note in Administrative Notice No 59-2005, published by the Commission on 20 July 2005, was liable to mislead the appellants regarding the advisability of submitting a complaint against the classification decision within the period laid down in the Staff Regulations.

Lastly, the appellants submit that the CST's reasoning infringes the provisions of the Rules of Procedure concerning the inadmissibility of actions.

Action brought on 18 July 2008 — Perry v Commission

(Case T-280/08)

(2008/C 260/25)

Language of the case: French

Parties

Applicant: Claude Perry (Paris, France) (represented by: J. Culioli, lawyer)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Court should:

— rule that the Commission acted improperly;

— rule that that improper conduct gives rise to the non-contractual liability of the Community;

— rule that the applicant suffered loss as a result of that improper conduct;

— rule that the Community is required to compensate that loss;

— take formal notice that Mr Perry estimates his loss at EUR 1 000 000;

— order the Community to pay Mr Perry EUR 1 000 000;

— order the Community to pay all the costs and outlays of the proceedings;

— rule that it is equitable that the Community pay the costs and fees of the defence, in the sum of EUR 10 000.

Pleas in law and main arguments

The applicant seeks compensation for the loss which it considers it suffered as a result of accusations of misuse of Community subsidies in the performance of certain contracts concluded between the applicant's companies and the Commission in the context of the European Union humanitarian aid programmes for Bosnia and the Great Lakes region of Africa.

The pleas and main arguments put forward by the applicant are identical to those put forward in case T-132/98 *Perry Group and Isibiris* v *Commission* ([1]).

([1]) OJ 1998 C 312, p. 20.

Action brought on 30 July 2008 — Tresplain Investments v OHIM — Hoo Hing (Golden Elephant Brand)

(Case T-303/08)

(2008/C 260/26)

Language in which the application was lodged: English

Parties

Applicant: Tresplain Investments Ltd (Hong Kong, China) (represented by: D. McFarland, Barrister)

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

Other party to the proceedings before the Board of Appeal: Hoo Hing Holdings Ltd (Romford, United Kingdom)

Form of order sought

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 7 May 2008 in case R 889/2007-1; and

— Order OHIM to pay the costs.