

6. What types of use can be considered, and in particular is it necessary to show that the mark has been used in the course of trade in the Member State concerned and in further particular would importation by a single customer into that Member State be sufficient?
7. Is it necessary to disregard use occurring after the filing of the application for revocation even for the purpose of testing whether use during the relevant period was genuine?

(¹) To approximate the laws of the Member States relating to trade marks (OJ L 40, 11.2.1989, p. 1).

Action brought on 19 July 2002 by the Commission of the European Communities against the Italian Republic

(Case C-267/02)

(2002/C 219/11)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 19 July 2002 by the Commission of the European Communities, represented by M. Shotter and C. Loggi, acting as Agents.

The applicant claims that the Court should:

1. Declare that, by not adopting within the prescribed time-limit, or in any event not notifying the laws, regulations and administrative provisions necessary to comply with Article 5 of Directive 97/66/EC⁽¹⁾ of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector, the Italian Republic has failed to fulfil its obligations under Articles 5 and 15 of that directive;
2. Order the Italian Republic to pay the costs.

Pleas in law and main arguments

Article 249 EC, which provides that a directive is to be binding as to the result to be achieved upon each Member State, implies the obligation upon each Member State to observe the time-limits for implementation laid down in directives. That time-limit expired on 24 October 1998 without the Italian Republic having issued the provisions necessary to comply with Article 5 of the directive referred to in the Commission's claims.

(¹) OJ 1998 L 24, p. 1.

Action brought on 23 July 2002 by the Commission of the European Communities against the Grand Duchy of Luxembourg

(Case C-268/02)

(2002/C 219/12)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 23 July 2002 by the Commission of the European Communities, represented by D. Martin, acting as Agent.

The applicant claims that the Court should:

- Declare that, by failing to adopt and bring into force within the prescribed period the laws, regulations and administrative provisions necessary to comply with Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)⁽¹⁾, the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive; and
- Order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The period prescribed for transposition expired on 5 May 2001.

(¹) OJ 1998 L 131, p. 11.