

The applicants claim that the Court should:

- annul the decision of the Commission of 14 August 2002 referring Case COMP/M.2845 - Sogecable/Canalsatélite Digital/Vía Digital to the competent authorities in the Kingdom of Spain pursuant to Article 9 of Council Regulation (EEC) No 4064/89;
- order the Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are essentially those previously put forward in Case T-346/02 CABLEEUROPA and Others v Commission.

The applicants allege, in particular, breach of the principle of good administration, inasmuch as the Commission not only abandoned a practice and a consolidated policy in decisions to refer cases to the market affected by the operation in question, it also failed to take into account a case which is closely linked to the concentration operation and involving the same parties. In any event, the Commission is better placed than the national authorities to analyse the abovementioned operation for, among other reasons, the overriding questions of Community interest which the later raises.

Action brought on 22 November 2002 by the company Sephora against Office for Harmonization in the Internal Market (trade marks and designs) (OHIM)

(Case T-349/02)

(2003/C 19/77)

(Language of the case: French)

An action against Office for Harmonization in the Internal Market (trade marks and designs) (OHIM) was brought before the Court of First Instance of the European Communities on 22 November 2002 by Sephora, whose registered office is in Levallois-Perret (France), represented by Michel-Paul Escande, lawyer.

The applicant claims that the Court should:

- annul the decision of the Second Board of Appeal of the Office for Harmonization in the Internal Market (trade marks and designs) of 9 September 2002 (Case R 425/2000-2);
- order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for the Community trade mark:

INTER SERVICE S.r.l.

The Community trade mark concerned:

SEPHORA (registration application No 593.806 for goods in Classes 9, 18 and 25)

Proprietor of the right to the trade mark or sign asserted by way of opposition in the opposition proceedings:

The applicant

Trade mark or sign asserted by way of opposition in the opposition proceedings:

French word mark SEPHORA for goods in Classes 35 and 42

Decision of the Opposition Division:

Opposition rejected

Decision of the Board of Appeal:

Appeal rejected

Grounds of claim:

Misapplication of Article 8(4) of Regulation No 40/94

Action brought on 26 November 2002 by Ikegami Electronics (Europe) GmbH against the Council of the European Union

(Case T-350/02)

(2003/C 19/78)

(Language of the case: English)

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 26 November 2002 by Ikegami Electronics (Europe) GmbH, Neuss, Germany, represented by Mr Laurent Ruessmann, lawyer with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul Article 2 of Council Regulation (EC) No 1696/2002;
- order the Council to pay the costs.