

The applicant claims that the Court should:

- Annul the decision of 27 January 2003 of the Second Board of Appeal of OHIM in Case R 577/2002-1, and
- Order the applicant, as well as any intervener, to pay the costs arising from the proceedings and from Case 577/2001-1 before the First Board of Appeal of OHIM.

Pleas in law and main arguments

Applicant for Community trade mark:	The applicant.
Community trade mark sought:	Figurative mark 'NLJEANS' — Application No 816.454 for goods within Classes 3, 14, 18 and 25.
Proprietor of mark or sign cited in the opposition proceedings:	Naulover S.A.
Mark or sign cited in opposition:	Community figurative mark No 13417, consisting in an N superposed on an L, both in English characters.
Decision of the Opposition Division:	Refusal of the opposition.
Decision of the Board of Appeal:	Annulment of the decision of the Opposition Division and acceptance of the opposition.
Pleas in law:	Incorrect application of Article 8(1)(b) of Regulation (EC) No 40/494 (likelihood of confusion).

Action brought on 4 April 2003 by New Look Limited against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case T-119/03)

(2003/C 146/74)

(Language of the case: Spanish)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) was brought before the Court of First Instance of the European Communities on 4 April 2003 by New Look Limited, with its official address in Weymouth (Dorset), United Kingdom, represented by R. Ballester and G. Marín, lawyers, of the firm Marks & Clerk.

The applicant claims that the Court should:

- Annul the decision of 27 January 2003 of the Second Board of Appeal of OHIM in Case R 578/2002-1, and
- Order the applicant, as well as any intervener, to pay the costs arising from the proceedings and from Case 578/2001-1 before the First Board of Appeal of OHIM.

Pleas in law and main arguments

Applicant for Community trade mark:	The applicant.
Community trade mark sought:	Figurative mark 'NLACTIVE' — Application No 816.629 for goods within Classes 3, 14, 18 and 25.
Proprietor of mark or sign cited in the opposition proceedings:	Naulover S.A.
Mark or sign cited in opposition:	Community trade mark No 13417, consisting in an N superposed on an L, both in English characters.
Decision of the Opposition Division:	Refusal of the opposition.
Decision of the Board of Appeal:	Annulment of the decision of the Opposition Division and acceptance of the opposition.
Pleas in law:	Incorrect application of Article 8(1)(b) of Regulation (EC) No 40/494 (likelihood of confusion).