

Action brought on 24 June 2003 by Miguel Torres, S.A. against the Office for Harmonisation in the Internal Market (OHIM)

(Case T-247/03)

(2003/C 213/76)

(Language of the case: Spanish)

An action against the Office for Harmonisation in the Internal Market (OHIM) was brought before the Court of First Instance of the European Communities on 24 June 2003 by Miguel Torres S.A., with offices in Vilafranca del Penedès (Barcelona), represented by E. Armijo Chávarri, M.Á. Baz de San Ceferino and A. Castán Pérez-Gómez.

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal of OHIM of 7 April 2003 handed down in matter R 0998/2001-1;

Pleas in law and main arguments

Applicant for Community trade mark:	Bodegas Muga, S.A.
Community trade mark sought:	Figurative mark 'Torre Muga' Application no. 791.004 sought for products in class 33 (alcoholic beverages, except beers)
Proprietor of mark or sign cited in the opposition proceedings:	The applicant
Mark or sign cited in opposition:	International trade mark no. 252.675, Danish trade mark no. VR 03.741.1991, German trade mark no. 2.901.360, Spanish trade marks nos 130.955, 321.331 and 130.956 and English trade marks nos 1.039.853 and 1.298.955 TORRES, for products in class 33
Decision of the Opposition Division:	Rejection of the opposition

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of the rights of the defence and incorrect application of Article 8(1)(b) of (EC) Regulation No. 40/94 (risk of confusion)

Action brought on 2 July 2003 by 'Y' against Commission of the European Communities

(Case T-249/03)

(2003/C 213/77)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 2 July 2003 by 'Y', represented by Spyridoula Papanikolaou, lawyer.

The applicant claims that the Court should:

- annul the decision of 18 June 2003 of the Director General of RELEX terminating the applicant's assignment to a post in the Commission's Delegation abroad;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of his action, the applicant alleges a number of infringements of Articles 7 and 25 of the Staff Regulations, of the rule in the Administrative Guide for the use of the external service of DG RELEX, which provides that the duration of an assignment to a post is to be four years, and of the principle of legitimate expectations. He also alleges abuse and misuse of power and infringements of the Community disciplinary rules and of the principle of proportionality.