

**Action brought on 29 June 2004 by IDOM, SA against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)**

**(Case T-269/04)**

(2004/C 217/67)

*(Language of the case: Spanish)*

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) was brought before the Court of First Instance of the European Communities on 29 June 2004 by IDOM, SA, established in Bilbao (Spain), represented by T. Villate Consonni, lawyer at the Ilustre Colegio de Madrid (Madrid bar).

The applicant claims that the Court should:

- annul the decision of 27 April 2004 by OHIM's Second Board of Appeal in case R-153/2003-2;
- annul decision 3707/2002 in opposition proceedings B282733 in so far as it rejects the opposition brought by IDOM, SA and allow the application for the contested mark for Class 37 and part of Class 42;
- uphold the arguments of the appellant ordering the Opposition Division of OHIM entirely to refuse registration of the mark in question;
- order OHIM to pay the costs arising from the present action if it is unsuccessful in its claims.

*Pleas in law and main arguments:*

Applicant for Community trade mark:	Idom Incorporated
Community trade mark sought:	Figurative mark 'IDOM' – application No 1 185 800 for services in Classes 35, 37 and 42 (management, consultancy and informatics)
Proprietor of mark or sign cited in the opposition proceedings:	The applicant
Mark or sign cited in opposition.	Community figurative mark IDOM (No 847 236), Spanish figurative marks IDOM (Nos 789 822, 789 823, 1 195 931, 2 052 591, 2 052 592, 2 052 593) and Spanish word mark IDOM (No 217 244) for services in Classes 35, 37 and 42
Decision of the Opposition Division:	Allow the opposition as regards services in Class 35 covered by both marks, and dismiss it as regards services in Classes 37 and 42
Decision of the Board of Appeal:	Dismissal of the appeal

Pleas in law:

Incorrect interpretation of Article 8(1)(b) and (4) of Regulation (EC) No 40/94

**Removal from the Register of Case T-304/99 <sup>(1)</sup>**

(2004/C 217/68)

*(Language of the case: Dutch)*

By order of 10 June 2004, the President of the Second Chamber (Extended Composition) of the Court of First Instance of the European Communities has ordered the removal from the Register of Case T-304/99, *Oliehandel Kuster B.V.*, supported by the Kingdom of the Netherlands v Commission of the European Communities.

<sup>(1)</sup> OJ C 63, 4.3.2000.

**Removal from the Register of Case T-69/02 <sup>(1)</sup>**

(2004/C 217/69)

*(Language of the case: Spanish)*

By order of 7 June 2004 the President of the First Chamber of the Court of First Instance of the European Communities has ordered the removal from the Register of Case T-69/02, *Organización de Productores de Tunidos Congelados (OPTUC) v Commission of the European Communities.*

<sup>(1)</sup> OJ C 118 of 18.5.2002.

**Removal from the register of Case T-249/03 <sup>(1)</sup>**

(2004/C 217/70)

*(Language of the case: French)*

By order of 11 June 2004, the President of the Court of First Instance of the European Communities ordered the removal from the register of Case T-249/03, *Y v Commission of the European Communities.*

<sup>(1)</sup> OJ C 213 of 6.9.2003.