

In support of his application, the applicant invokes, fundamentally, an objection of illegality, on the basis of Article 241 of the Treaty, on the ground that the application of Article 20 of Annex XIII to the Staff Regulations is unlawful in this case.

He claims, in that regard:

- breach of the principle of legitimate expectations, owing to the assurances which in his submission were given by the administration to the effect that the new Staff Regulations would have no negative impact on his situation,
- failure to respect the principles of equal treatment and non-discrimination, owing to the differentiation established according to the place of residence of officials in service and in receipt of a pension,
- failure to respect his acquired rights, owing to the amendment of his fundamental conditions of employment, considered as at the date of his retirement,
- breach of the principle of sound administration.

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**Action brought on 30 March 2005 by EARL Salvat Père et Fils and Others against the Commission of the European Communities**

(Case T-136/05)

(2005/C 132/61)

(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 30 March 2005 by EARL Salvat Père et Fils, established in Saint-Paul de Fenouillet (France), Comité interprofessionnel des vins doux naturels et vins de liqueur à appellations contrôlées (CIVDN), established in Perpignan (France), and Comité national des interprofessionnels des vins à appellation d'origine, established in Paris (France), represented by Hugues Calvet and Olivier Billard, lawyers.

The applicants claim that the Court should:

- annul Articles 1.1 and 1.3 of the Commission's decision of 19 January 2005 concerning the 'Plan Rivesaltes' and the CIVDN parafiscal levies implemented by France;
- order the Commission to pay the costs.

*Pleas in law and main arguments*

By the contested decision the Commission concluded that the set-aside premium per hectare financed by an inter-trade contribution in the context of the 'Plan Rivesaltes' and the promotional and operational activities of the controlled designations of origin 'Rivesaltes', 'Grand Rousillon', 'Muscat de Rivesaltes' and 'Banyuls' financed by inter-trade contributions constituted State aid within the meaning of Article 87 EC.

The applicants seek for that decision to be annulled, submitting first that its statement of reasons is inadequate, in breach of Article 253 EC, and does not enable the applicants to understand the Commission's reasons for considering that the criteria relating to State aid defined in the case-law of the Court of Justice were satisfied in this case. The applicants also submit that the contested decision resulted from a breach of Article 87 EC, since the Commission did not show either that the measures in question were financed by means made available to the national authorities or that the inter-trade contributions, intended to finance the promotional and operational activities of the controlled designations of origin, were attributable to the State.

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**Action brought on 1 April 2005 by LA PERLA S.p.A. against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)**

(Case T-137/05)

(2005/C 132/62)

(Language of the case: Italian)

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 1 April 2004 by LA PERLA S.p.A., represented by Renzo Maria Morresi and Alberto Dal Ferro, lawyers.

Cielo Brands — Gestao e Investimentos Lda. was also a party to the proceedings before the Board of Appeal.

The applicant claims that the Court should:

- annul in full the contested decision reinstating the decision of the Cancellation Division and therefore declaring the contested trade mark invalid;
- order Cielo Brands — Gestao e Investimentos Lda to pay the costs of the proceedings, including the previous two sets of proceedings before OHIM.

*Pleas in law and main arguments***Action brought on 31 March 2005 by Charlotte Becker and Others against the European Parliament**

Registered Community trade mark in respect of which a declaration of invalidity is sought: The word mark NIMEI LA PERLA MODERN CLASSIC — Application for registration no 713.446 in respect of goods in Class 14 (jewellery, gold articles, watches; precious metals; pearls; precious stones).

**(Case T-139/05)**

(2005/C 132/63)

*(Language of the case: French)*

Proprietor of the Community trade mark: Cielo Brands — Gestao e Investimentos Lda

Applicant for declaration of invalidity: The applicant

Trade mark or sign right of applicant: Italian trade marks:  
 — La PERLA (Figurative trade mark no. 769.526), in respect of goods in Class 25.  
 — LA PERLA PARFUMS (Word mark no 776.082), in respect of goods in Class 3.  
 — La PERLA (Figurative trade mark no. 804.992) in respect of goods in Classes 3, 9, 14, 16, 18, 24, 25 and 35.  
 — La PERLA (Figurative trade mark no GE2000 C 000428) in respect of goods in Class 3.  
 — La PERLA (Figurative trade mark no GE2002 C 000181) in respect of goods in Class 3.

Decision of the Cancellation Division: Granting the application for a declaration of invalidity and a declaration of invalidity of the Community trade mark.

Decision of the Board of Appeal: Granting the appeal and annulment of the decision of the Cancellation Division.

Pleas in law:  
 — Infringement of Article 8(5) and (1)(a) and (b) and Article 73 of Regulation (EC) No 40/94 on the Community trade mark.  
 — Infringement of Rule 50(2)(h) of Regulation (EC) No 2868/95 of 13 December 1995 implementing Regulation No 40/94.

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 31 March 2005 by Charlotte Becker, residing in Manton (France), Seamus Killeen, residing in Sutton (Dublin), Robert Payne, residing in Terenure (Dublin), Deirdre Gallagher, residing in Terenure, Paul Van Rajj, residing in Overveen (Netherlands), Wilhemus Van Miltenburg, residing in Huizen (Netherlands), represented by Georges Vandersanden, Laure Levi and Aurore Finkelstein, lawyers.

The applicant claims that the Court should:

- annul the applicants' pension slips for May 2004, with the exception of Ms Gallagher's, with the effect of applying a weighting at the rate for the capital of their country of residence or, at the very least, a weighting such as will adequately reflect the differences in the cost of living between the places in which the applicants are deemed to incur their expenditure and thus corresponding with the principle of equivalence,
- as regards Ms Gallagher, annul her payslip for May 2004, with the effect of applying a weighting to the allowance which she receives for being assigned to non-active service, fixed at the rate for the capital of the country of residence or, at the very least, a weighting such as will adequately reflect the differences in the cost of living in the place where the applicant is deemed to incur her expenditure and thus corresponding to the principle of equivalence;
- order the Commission to pay the costs.

*Pleas in law and main arguments*

In support of their action, the applicants put forward the same pleas in law and arguments as those put forward in Case T-35/05.