

Action brought on 31 May 2005 by Mebrom NV against the Commission of the European Communities

(Case T-216/05)

(2005/C 182/81)

(Language of the case: English)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 31 May 2005 by Mebrom NV, established in Rieme-Ertvelde (Belgium), represented by C. Mereu and K. Van Maldegem, lawyers.

The applicant claims that the Court should:

- to annul Commission Decision A(05)4338 — D/6176 of 11 April 2005;
- to order the Commission to allocate a 12-month quota to the applicant pursuant to Article 7 of Regulation 2037/2000; and
- to order the Commission to pay all costs and expenses in these proceedings.

Pleas in law and main arguments

The applicant imports Methyl Bromide (MBr) in the EU. Methyl Bromide is a controlled substance within the meaning of Regulation (EC) No 2037/2000 of the European Parliament and Council of 29 June 2000 on substances that deplete the ozone layer⁽¹⁾. With the present application, the applicant seeks the annulment of the Commission's decision rejecting the applicant's request for a quota for the importation of Methyl Bromide in the European Union for critical uses for 2005.

In support of its application, the applicant submits that the Commission deprived the applicant of its right to an allocation of a 12-month import quota for the importation of Methyl Bromide in the EU in 2005. The applicant invokes that the Commission manifestly misapplied the applicable legal framework. According to the applicant, the Commission furthermore violated Article 7 of Regulation 2037/2000 which, according to the applicant, confers to it a specific right to obtain a 12-month Methyl Bromide quota for 2005. The applicant also claims that the Commission acted beyond its competence conferred by Article 7 of Regulation 2037/2000. Finally, the applicant invokes the infringement of the principle of legal certainty as the Commission failed to establish a predictable system of import quotas for those who are subject to it, and frustrated the applicant's legitimate expectations in obtaining an import quota on the basis of Article 7 of Regulation 2037/2000, the Commission's Notice to importers of July 2004⁽²⁾ and an e-mail message from the defendant of 10 December 2004, addressed to the applicant and confirming

that its import quota for 2005 was in the process of being notified to him.

⁽¹⁾ OJ L 244, p. 1

⁽²⁾ Notice to importers in the European Union in 2005 of controlled substances that deplete the ozone layer, regarding Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer (OJ 2004 C 187, p. 11)

Action brought on 7 June 2005 by Bustec Ireland Limited Partnership against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case T-218/05)

(2005/C 182/82)

(Language in which the application was submitted: 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 7 June 2005 by Bustec Ireland Limited Partnership, represented by Enrique Armijo Chavarri and Antonio Castán Pérez-Gómez, lawyers.

Mustek, S.L. was also a party to the proceedings before the Board of Appeal.

The applicant claims that the Court should:

1. annul the decision of the Second Board of Appeal of 22 March 2005 in Case R 1125/2004-2;
2. order OHIM to pay the costs.

Pleas in law and main arguments:

Applicant for Community trade mark:

The applicant

Community trade mark sought:

Figurative mark BUSTEC — Application No 1644939, for goods in Classes 9, 35 and 42

Proprietor of mark or sign cited in the opposition proceedings:

Mustek, S.L.

Mark or sign cited in opposition: Spanish word mark MUSTEK (No 1550684) for goods in Class 9

Decision of the Opposition Division: Opposition allowed

Decision of the Board of Appeal: Dismissal of the appeal, on the ground that the applicant did not file the requisite written statement setting out the grounds of appeal within the period of four months provided for in Article 59 of Regulation (EC) No 40/94 on the Community trade mark

Pleas in law: Infringement of the rights of the defence and incorrect interpretation of Article 59 of Regulation (EC) No 40/94 on the Community trade mark

Removal from the Register of Case T-453/04 ⁽¹⁾

(2005/C 182/84)

(Language of the case: Hungarian)

By order of 27 May 2005, the President of the Third Chamber of the Court of First Instance of the European Communities has ordered the removal from the Register of Case T-453/04, Péter Lesetár v Commission of the European Communities.

_____ ⁽¹⁾ OJ C 57 of 5.3.2005.

Removal from the Register of Case T-14/05 ⁽¹⁾

(2005/C 182/85)

(Language of the case: Italian)

By order of 25 May 2005, the President of the Fourth Chamber of the Court of First Instance of the European Communities has ordered the removal from the Register of Case T-14/05, Italian Republic v Commission of the European Communities.

_____ ⁽¹⁾ OJ C 69 of 19.3.2005.

Removal from the Register of Case T-347/04 ⁽¹⁾

(2005/C 182/83)

(Language of the case: French)

By order of 24 May 2005, the President of the Third Chamber of the Court of First Instance of the European Communities has ordered the removal from the Register of Case T-347/04, Pascal Millot v Commission of the European Communities.

_____ ⁽¹⁾ OJ C 262 of 23.10.2004.

Partial Removal from the Register of Case T-122/05 ⁽¹⁾

(2005/C 182/86)

(Language of the case: German)

By order of 24 May 2005, the President of the First Chamber of the Court of First Instance of the European Communities has ordered the removal of the name of the applicant Marenzi Privatstiftung from the list of names of the applicants in Case T-122/05, Benkő and Others v Commission of the European Communities.

_____ ⁽¹⁾ Not yet published in the OJ.