

Pleas in law: The applicant claims that the opposition should have been declared inadmissible as it did not identify sufficiently clearly the earlier marks and signs relied on, in violation of Rule 18(1) of Regulation No 2868/95 ⁽¹⁾.

⁽¹⁾ Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark, OJ L 303, 15/12/1995, p. 1.

Decision of the examiner:

Refusal of the application

Decision of the Board of Appeal:

Dismissal of the appeal

Pleas in law:

Violation of Article 7(1)(b) of Council Regulation No 40/94

Action brought on 29 June 2005 by The Procter & Gamble Company against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case T-241/05)

(2005/C 205/62)

(Language of the case: English)

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 2005 by The Procter & Gamble Company, established in Cincinnati, Ohio (USA), represented by G. Kuipers, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the Decision of the First Board of Appeal of the OHIM of 14 April 2005 in Case R 843/2004-1 in so far as it finds that the mark does not satisfy the conditions laid down in Article 7(1)(b) of Regulation No 40/94;
- order the OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: The three dimensional mark consisting of a square white tablet showing a lilac six petalled floral design for goods in class 3 (Washing and bleaching preparations and other substances for laundry use; preparations for the washing cleaning and care of dishes; soaps;...) — application No 1 683 523

Action brought on 27 June 2005 by AEPI A.E. against the Commission of the European Communities

(Case T-242/05)

(2005/C 205/63)

(Language of the case: Greek)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 27 June 2005 by Elliniki Etairia pros Prostatian tis Pnevmatikis Idioktisias, a company established in Maroussi, Attica, represented by T. Asprogerakas-Grivas, lawyer.

The applicant claims that the Court should:

- annul the contested measures;
- entertain and hear the original complaint as to its substance;
- uphold the applicant's original complaint in its entirety;
- order the European Commission to pay the costs of the proceedings and the fees of the applicant's lawyer.

Pleas in law and main arguments

The applicant, which is a company for the collective management of musical intellectual-property rights in Greece, lodged a complaint with the European Commission referring to Article 226 EC, seeking a finding that the Greek Minister for Culture had infringed the competition rules (Article 81 EC) by the creation, as pleaded, of monopolistic situations on the grant of licences to bodies engaging in the collective management of intellectual-property rights and related rights.