

The applicant claims that the Court should:

- set aside the Commission's decision of 28 September 2004 determining the applicant's reinstatement as of 1 October 2004, and annul the decision of 21 April 2005 by which the Commission rejected the applicant's complaint brought on 20 December 2004 and requesting that the effective date of reinstatement be fixed retroactively as 1 September 2004;
- request the Appointing Authority to give due effect to that annulment, in particular, to fix the effective date of the applicant's reinstatement as 1 September 2004;
- award the applicant damages in respect of the harm suffered, in the suggested amount of EUR 10 000 by way of material damages and the nominal sum of EUR 1 in damages for non-material harm;
- order the defendant to pay the entire costs.

Pleas in law and main arguments

The applicant, an official of the Commission, was on leave on personal grounds until 31 August 2004. Having requested to be reinstated at the end of his leave he was reinstated within the DG RELEX by decision of 28 September 2004.

By the present action, the applicant seeks annulment of the reinstatement decision in so far as the latter did not reinstate him with effect from 1 September 2004, the date on which his leave expired. He submits that several posts corresponding to his profile were available within the Commission on that date and that the Commission was thus obliged to reinstate him in one of those posts in accordance with Article 40 of the Staff Regulations. He also contends that there has been an infringement of the Commission's decision of 28 April 2004 on the detailed arrangements for reinstatement on the ground that the Commission did not contact him before the end of his leave and did not, moreover, use the possibility laid down by that decision, namely that of an additional budgetary post, in order to reinstate him. Finally, the applicant submits that there has been an infringement of the principle of good administration and of the duty of care, and he also claims damages, both material and non-material, for the harm which he claims to have suffered.

Action brought on 1 August 2005 by Document Security Systems, Inc. against the European Central Bank

(Case T-295/05)

(2005/C 229/81)

(Language of the case: English)

An action against the European Central Bank was brought before the Court of First Instance of the European Communities on 1 August 2005 by Document Security Systems, Inc., established in Rochester, New York (USA), represented by C. Stanbrook, barrister, H. Sheroton and L. Cohen, solicitors, and B. Uphoff, lawyer.

The applicant claims that the Court should:

- declare that the ECB has infringed the patent;
- award damages and interest to be paid by the defendant to the applicant, such amounts to be assessed by separate inquiry in respect of the infringing acts;
- award damages in lieu of an injunction in respect of banknotes printed for and on behalf of the defendant after the date of the judgement until expiry of the patent (such amounts to be assessed by separate inquiry);
- award costs;
- order such further or other relief as the Court shall determine.

Pleas in law and main arguments

The applicant claims that his European Patent 0 455 750 B1, entitled 'Method of making a nonreplicable document', has been infringed by the defendant and seeks, in accordance with Article 288 EC, an award of damages by way of payment of a reasonable royalty for the use of the invention of the patent.

The invention of the patent consists of a method of designing and printing an original document that combats counterfeiting by digital scanning devices. The method involves determining the scanning pitch of a copying device to be protected against and creating an appropriate grid that would give rise to interference patterns, such as moiré patterns, when copied on that scanning device. The grid is overlaid on an original image to produce a printed genuine document in which the grid is usually not discernible to the naked eye.

According to the applicant, the invention of the patent was used in the designing and the printing of the Euro banknotes, under the authorization of the European Central Bank. The applicant claims furthermore that the issue, keeping and circulation of the Euro banknotes constitutes an infringement of his patent

Removal from the Register of Case T-141/04 ⁽¹⁾

(2005/C 229/82)

(Language of the case: Finnish)

By order of 30 June 2005, 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-141/04, Lapin liitto and Others v Commission of the European Communities.

⁽¹⁾ OJ C 146 of 29.5.2004.

Removal from the Register of Case T-468/04 ⁽¹⁾

(2005/C 229/83)

(Language of the case: French)

By order of 29 June 2005, the President of the Second Chamber of the Court of First Instance of the European Communities has ordered the removal from the Register of Case T-468/04, Kenzo Takada v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

⁽¹⁾ OJ C 57 of 5.3.2005.
