

Form of order sought

- Annul the decision of the First Board of Appeal of the OHIM of 6 July 2005 (Case R 1188/2004-1), which was notified to P&G by letter of 11 July 2005, in so far as it finds that the mark does not satisfy the conditions as laid down in Article 7(1)(b) of Regulation No 40/94; and
- order the OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Three dimensional mark in form of a square white tablet showing a blue six-petalled floral design for goods in class 3 (washing and bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; preparations for the washing, cleaning and care of dishes; soaps) — application No 1 683 119

Decision of the examiner: Refusal of the application in respect of all the designated goods

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 12 September 2005 — Procter & Gamble/OHIM

(Case T-347/05)

(2005/C 296/65)

Language of the case: English

Parties

Applicant(s): The Procter & Gamble Company (Cincinnati, USA) [represented by: G. Kuipers, lawyers]

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought

- Annul the decision of the First Board of Appeal of the OHIM of 6 July 2005 (Case R 1182/2004-1), which was notified to P&G by letter of 13 July 2005, in so far as it finds that the mark does not satisfy the conditions as laid down in Article 7(1)(b) of Regulation No 40/94; and
- order the OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Three dimensional mark in form of a square white tablet showing a green five-petalled floral design for goods in class 3 (washing and bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; preparations for the washing, cleaning and care of dishes; soaps) — application No 1 683 473

Decision of the examiner: Refusal of the application in respect of all the designated goods

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 7 September 2005 — Provincia di Imperia v Commission

(Case T-351/05)

(2005/C 296/66)

Language of the case: French

Parties

Applicant(s): Provincia di Imperia (Imperia, Italy) (represented by: S. Rostagno, lawyer, K. Platteau, lawyer)

Defendant(s): Commission of the European Communities

Form of order sought

The applicant(s) claim(s) that the Court should:

- annul the contested decision and any related act;
- order the defendant to pay the costs

Pleas in law and main arguments

The present action seeks annulment of the Commission's decision of 30 June 2005 not to accept the proposal presented by the applicant in response to the call for proposals launched by the Commission in the context of Community co-financing in the sphere of innovative measures under Article 6 of the Regulation on the European Social Fund⁽¹⁾ for the planning period 2000-2006.