

**Appeal brought on 11 September 2006 by Ott and Others against the order of 30 June 2006 by the Civil Service Tribunal in Case F-87/05 Ott and Others v Commission**

(Case T-250/06 P)

(2006/C 281/66)

*Language of the case: French*

**Parties**

*Appellants:* Martial Ott (Oberanven, Luxembourg), Fernando Lopez Tola (Luxembourg, Luxembourg) et Francis Weiler (Itzig, Luxembourg) (represented by: F. Frabetti, lawyer)

*Other party to the proceedings:* Commission of the European Communities

**Forms of order sought**

- Annul the order of the Civil Service Tribunal of 30 June 2006 in Case F-87/05;
- Rule on the expenses, costs and fees and order the Commission to pay them.

**Pleas in law and main arguments**

In their appeal, the appellants claim that the Court of First Instance committed breaches of procedure in rejecting the application as manifestly inadmissible as regards Mr Weiler. In addition, the applicants contend that the Civil Service Tribunal committed breaches of procedure when considering the substance of the pleas based on infringement of Article 45 of the Staff Regulations of Officials of the European Communities, infringement of the GIP of Article 45, infringement of the principle of non-discrimination and a manifest error of assessment.

**Appeal brought on 7 September 2006 by Beau against the judgment of the Civil Service Tribunal delivered on 28 June 2006 in Case F-39/05, Beau v Commission**

(Case T-252/06 P)

(2006/C 281/67)

*Language of the case: French*

**Parties**

*Appellant:* Marie-Yolande Beau (Paris, France) (represented by S. Rodrigues and C. Bernard-Glanz, lawyers)

*Other party to the proceedings:* Commission of the European Communities

**Form of order sought by the appellant**

- declare the present appeal admissible;
- annul the judgment delivered by the Civil Service Tribunal on 28 June 2006 in Case F-39/05;
- grant the pleas for annulment and compensation submitted by the appellant at first instance;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

In her appeal, the appellant alleges, firstly, that the Tribunal infringed Community law by an incorrect legal classification of certain facts and, secondly, that it committed a procedural error infringing her rights of the defence.

**Appeal brought on 8 September 2006 by Chassagne against the order of the Civil Service Tribunal delivered on 29 June 2006 in Case F-11/05, Chassagne v Commission**

(Case T-253/06 P)

(2006/C 281/68)

*Language of the case: French*

**Parties**

*Appellant:* Olivier Chassagne (Brussels, Belgium) (represented by S. Rodrigues and C. Bernard-Glanz, lawyers)

*Other party to the proceedings:* Commission of the European Communities

**Form of order sought by the appellant**

The Court is asked to:

- annul the order made by the Civil Service Tribunal on 29 June 2006 in Case F-11/05;
- allow the claims for annulment and compensation submitted by the applicant at first instance
- order the defendant to pay the costs in their entirety.

**Pleas in law and main arguments**

By the first plea in his appeal, the applicant submits that the Tribunal committed a breach of procedure adversely affecting his right to a fair hearing in that he was not able to submit his observations regarding the documents on which the Tribunal based its arguments and that certain matters raised by the applicant and documents lodged during the procedure were not taken into consideration. By his second plea, the applicant claims that the Tribunal infringed Community law by distorting the pleas relied on in the action and by incorrectly interpreting the provisions of the Staff Regulations of officials of the European Communities. He also submits that the Tribunal made manifest errors of assessment of the facts.

---

**Action brought on 15 September 2006 — Budějovický Budvar v OHIM — Anheuser-Busch (BUD)**

(Case T-255/06)

(2006/C 281/69)

*Language in which the application was lodged: French***Parties**

*Applicant:* Budějovický Budvar, národní podnik (České Budějovice, Czech Republic) (represented by: F. Fajgenbaum, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Anheuser-Busch, Incorporated

**Form of order sought**

- annul the contested decision R 241/2005-2 of 28 June 2006 of the Second Board of Appeal of OHIM;
- reject application No 1 257 849 for registration of the Community trade mark 'BUD' for all of the goods which it designates in Classes 16, 21, 25 and 32;
- send the decision of the Court of First Instance to OHIM;
- order Anheuser-Busch to pay all the costs and expenses.

**Pleas in law and main arguments**

*Applicant for the Community trade mark:* Anheuser-Busch, Incorporated

*Community trade mark concerned:* Figurative mark 'BUD' for goods in Classes 16, 21, 25 and 32 — Application No 1 257 849

*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant

*Mark or sign cited in opposition:* Protected designation of origin 'BUD' to designate beer

*Decision of the Opposition Division:* Rejection of the opposition

*Decision of the Board of Appeal:* Dismissal of the appeal

*Pleas in law:* Infringement of Article 62(1) of Regulation No 40/94<sup>(1)</sup> and Article 20 of implementing Regulation No 2868/95<sup>(2)</sup> in that the Board of Appeal is not competent to rule on the validity of the designation of origin invoked by the applicant in the context of its opposition. It further submits that the sign 'BUD' constitutes a designation of origin, protected in both France and Austria. The applicant also invokes misapplication of Article 8(4) of Regulation No 40/94 in that, in its view, the designation of origin 'BUD' is indeed a sign used in the course of trade.

---

<sup>(1)</sup> Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).

<sup>(2)</sup> Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark (OJ 1995 L 303, p. 1).

---

**Action brought on 15 September 2006 — Budějovický Budvar v OHIM — Anheuser-Busch (word mark 'BUD')**

(Case T-257/06)

(2006/C 281/70)

*Language in which the application was lodged: French***Parties**

*Applicant:* Budějovický Budvar, národní podnik (České Budějovice, Czech Republic) (represented by: F. Fajgenbaum, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Anheuser-Busch, Incorporated