

Appeal brought on 4 September 2007 by Irène Bianchi against the judgment of the Civil Service Tribunal delivered on 28 June 2007 in Case F-38/06, Bianchi v European Training Foundation

(Case T-338/07 P)

(2007/C 269/102)

Language of the case: French

Parties

Appellant: Irène Bianchi (Turin, Italy) (represented by M.-A Lucas, lawyer)

Other party to the proceedings: European Training Foundation

Form of order sought by the appellant

- Annul the judgment of the Second Chamber of the Civil Service Tribunal of 28 June 2007 in Case F-38/06;
- Uphold the forms of order sought by the applicant at first instance;
- Order the European Training Foundation to pay the costs of both sets of proceedings.

Pleas in law and main arguments

In support of her appeal, the appellant claims that the Tribunal failed to take into account or misunderstood certain facts and that that led to an erroneous assessment of the facts contrary to the second paragraph of Article 25 and Article 26 of the Staff Regulations. She also claims that the Tribunal infringed Community law and, in particular, procedural rules, by distorting evidence submitted by the applicant. Finally, she relies on a plea alleging a failure to provide an adequate statement of reasons and an error of law resulting from an alleged failure to take into account, or distortion of, the facts or the evidence adduced in support thereof, and an erroneous finding of fact.

Action brought on 11 September 2007 — Juwel Aquarium v OHIM — Potschak — Bavaria Aquaristik (Panorama)

(Case T-339/07)

(2007/C 269/103)

Language in which the application was lodged: German

Parties

Applicant: Juwel Aquarium GmbH & Co. KG (Rotenburg, Germany) (represented by: D. Jestaedt and G. Rother, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Christian Potschak — Bavaria Aquaristik

Form of order sought

- Annul the Decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 28 June 2007 (R 214/2006-1);
- Reject the application for a declaration of invalidity of the other party to the proceedings before the Board of Appeal in respect of the Community trade mark 'Panorama' (Community trade mark 2 771 087);
- Order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: The word mark 'Panorama' for goods in Classes 11, 16 and 20 (Community trade mark 2 771 087).

Proprietor of the Community trade mark: The applicant.

Applicant for the declaration of invalidity: Christian Potschak — Bavaria Aquaristik.

Decision of the Cancellation Division: Rejection of the application for a declaration of invalidity.

Decision of the Board of Appeal: Annulment of the decision of the Cancellation Division and in part of the declaration of invalidity of the Community trade mark.

Pleas in law: Infringement of Article 7(1)(c) of Regulation (EC) No 40/94 ⁽¹⁾, since the Community trade mark 'Panorama' is not purely descriptive. In addition, pursuant to Article 7(1)(d) of Regulation (EC) No 40/94, the indication 'Panorama' has not become customary and a mere generic term.

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

Action brought on 4 September 2007 — Evropaïki Dynamiki v Commission

(Case T-340/07)

(2007/C 269/104)

Language of the case: English

Parties

Applicant: Evropaïki Dynamiki (Athens, Greece) (represented by: N. Korogiannakis, lawyer)

Defendant: Commission of the European Communities