

- in Case T-330/00, for annulment of the decisions of 16 March 2000 and 22 February 2000 of the authority empowered to conclude contracts not to accept the respective candidatures of Mr Cocchi and Mrs Hainz for the posts declared to be vacant by vacancy notices COM/R/5530/00 and COM/R/5500/00 respectively or, in the alternative, annulment of those vacancy notices and for compensation in respect of the harm allegedly suffered by the applicants;
- in Case T-114/01, for annulment of the decisions of appointment adopted by the authority empowered to conclude contracts under the recruitment procedures initiated by vacancy notices COM/R/5530/00 and COM/R/5500/00 and for compensation in respect of the harm allegedly suffered by the applicants,

the Court of First Instance (Fifth Chamber), composed of J.D. Cooke, President of the Chamber, R. García-Valdecasas and P. Lindh, Judges; J. Plingers, Administrator, for the Registrar, has given a judgment on 17 October 2002 in which it:

1. *Dismisses the actions;*
2. *Orders all the parties to bear their own costs.*

⁽¹⁾ OJ C 372, 23.12.2000, and C 227, 11.8.2001.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 9 October 2002

in Case T-360/00: Dart Industries Inc. v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) ⁽¹⁾

(Community trade mark — ‘UltraPlus’ — Absolute grounds for refusal — Descriptive character, distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)

(2002/C 323/52)

(Language of the case: English)

In Case T-360/00, Dart Industries Inc., established in Orlando, Florida (United States of America), represented by J. Gray and K.-U. Jonas, lawyers, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agent: V. Melgar): Action brought against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 22 September 2000 (Case R 278/2000-1) on the registration of ‘UltraPlus’ as a Community trade mark, the Court of First Instance (Second Chamber),

composed of: R. M. Moura Ramos, President, J. Pirrung and A. W. H. Meij, Judges; J. Plingers, Administrator, for the Registrar, has given a judgment on 9 October 2002, in which it:

1. *Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 22 September 2000 (Case R 278/2000-1);*
2. *Orders the defendant to pay the costs.*

⁽¹⁾ OJ C 45 of 10.2.2001.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 9 October 2002

in Case T-36/01: Glaverbel v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) ⁽¹⁾

(Community trade mark — Regulation (EC) No 40/94 — Design applied to the surface of goods — Absolute ground for refusal — Distinctive character — Right to a hearing)

(2002/C 323/53)

(Language of the case: English)

In Case T-36/01, Glaverbel, established in Brussels (Belgium), represented by S. Möbus, lawyer, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: A. di Carlo and G. Schneider): Action brought against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 30 November 2000 (Case R 137/2000-1), the Court of First Instance (Second Chamber), composed of: R. M. Moura Ramos, President, J. Pirrung and A. W. H. Meij, Judges; J. Palacio González, Administrator, for the Registrar, has given a judgment on 9 October 2002, in which it:

1. *Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 30 November 2000 (Case R 137/2000-1);*
2. *Orders the Office to bear its own costs and to pay those incurred by the applicant.*

⁽¹⁾ OJ C 118 of 21.4.2001.