

established in Uelzen, Germany, represented by D. Fouquet, Lawyer, against Commission of the European Communities (Agents: V. Kreuzschitz and J.L. Buendia Sierra) — application for a declaration that the Commission unlawfully failed to examine non-notified aid granted by the Federal Republic of Germany to nuclear power station operators — the Court of First Instance (First Chamber, Enlarged Composition), composed of B. Vesterdorf, President, J. Azizi. R.M. Moura Ramos, M. Jaeger and H. Legal, Judges; H. Jung, Registrar, made an order on 27 November 2002, in which it:

1. Held that there was no need to give judgment in the action;
2. Ordered each party to bear its own costs.

(<sup>1</sup>) OJ C 44 of 16.2.2002.

#### ORDER OF THE PRESIDENT OF THE COURT OF FIRST INSTANCE

of 6 December 2002

in Case T-275/02 R: D v European Investment Bank

*(Procedure for interim relief — Extension of probationary period — Admissibility of the main action — Urgency — None)*

(2003/C 44/59)

*(Language of the case: French)*

In Case T-275/02 R: D, an agent of the European Investment Bank, residing in Luxembourg, represented by J. Choucroun, Lawyer, with an address for service in Luxembourg, against European Investment Bank (Agents: J.-P. Minnaert and P. Mousel) — application for suspension of operation of the decisions of the European Investment Bank first extending the applicant's period of probation and second dismissing him — the President of the Court of First Instance has made an order on 6 December 2002, in which he:

1. Dismisses the application for interim measures;
2. Orders that costs are reserved.

#### Action brought on 18 November 2002 by Duarte y Beltrán S.A. against the Office for Harmonisation in the Internal Market (OHIM)

(Case T-353/02)

(2003/C 44/60)

*(Language of the case: to be determined in accordance with Article 131(2) of the Rules of Procedure — Application in Spanish)*

An action against the Office for Harmonisation in the Internal Market was brought before the Court of First Instance of the European Communities on 18 November 2002 by Duarte y Beltrán S.A. of Santander (Spain), represented by Natalia Moya Fernández.

The applicant claims that the Court should:

- annul the decision of 6 August 2002 of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) in Case R-407/2001 and the corrigendum of 16 September 2002 thereto;
- reject Opposition B 35073 in its entirety;
- uphold the claims of the applicant and direct the relevant Opposition Division of OHIM to proceed to register the mark in question;
- order the defendant to pay the costs.

#### *Pleas in law and main arguments*

Applicant for the Community trade mark: Duarte y Beltrán S.A.

Community trade mark applied for: INTEA — application no 99 747 for certain goods in classes 3, 16 and 21

Proprietor of the trade mark or sign invoked in the opposition procedure: MIRATO S.p.A.