

lawyers, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: F. López de Rego and J. F. Crespo Carrillo): Action against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 22 May 2001 (Case R-1086/2000-1), the Court of First Instance (Second Chamber), composed of: R. M. Moura Ramos, President, J. Pirrung and A. W. H. Meij, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 5 March 2003, in which it:

1. Dismisses the action;
2. Orders the applicant to pay the costs.

(¹) OJ C 303 of 27.10.2001.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 26 February 2003

in Case T-212/01: Arnaldo Lucacioni v Commission of the European Communities (¹)

(Officials — Insurance Against the Risk of Accident and of Occupational Disease — Aggravation of injuries — Overlapping of capital and compensation provided by Articles 12 and 14 respectively of the Insurance Rules)

(2003/C 112/60)

(Language of the case: French)

In Case T-212/01: Arnaldo Lucacioni, former official of the Commission of the European Communities, residing in St-Leonard-on-Sea (United Kingdom), represented by J. R. Iturriagoitia Bassas, lawyer, against Commission of the European Communities (Agents: J. Currall and J.-L. Fagnart) - application for annulment of the decision of the Commission of 16 November 2000 suspending the procedure to examine a request to recognise an aggravation of his occupational illness and refusal to take action on that request and a claim for damages - the Court of First Instance (First Chamber), composed of B. Vesterdorf, President, N. J. Forwood and H. Legal, Judges; J. Palacio González, Principal Administrator, for the Registrar, gave a judgment on 26 February 2003, in which it:

1. annuls the decision of the Commission, notified to the applicant by letter of 16 November 2000, to suspend the procedure provided for by Article 22 of the Insurance Rules and not to act on the applicant's request seeking the recognition of the aggravation of his occupational illness;

2. dismisses the remainder of the application;
3. orders the Commission to pay the costs.

(¹) OJ 2001 C 331.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 5 March 2003

in Case T-237/01: Alcon Inc v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Invalidity proceedings — 'BSS' — Article 51 of Regulation (EC) No 40/94 — Absolute ground for refusal — Article 7(1)(d) of Regulation No 40/94 — Distinctive character acquired through use — Articles 7(3) and 51(2) of Regulation No 40/94)

(2003/C 112/61)

(Language of the case: English)

In Case T-237/01, Alcon Inc, formerly Alcon Universal Ltd, established in Hünenberg (Switzerland), represented by H. Porter, Solicitor and C. Morcom QC, with an address for service in Luxembourg, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agent: S. Laitinen), the intervener before the Court of First Instance being Dr. Robert Winzer Pharma GmbH, established in Olching (Germany), represented by S.N. Schneller, lawyer: Action brought against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 13 July 2001 (Case R 273/2000-1), the Court of First Instance (Second Chamber), composed of: R.M. Moura Ramos, President, J. Pirrung and A.W.H. Meij, Judges; J. Plingers, Administrator, for the Registrar, has given a judgment on 5 March 2003, in which it:

1. Dismisses the application;
2. Orders the applicant to pay the costs.

(¹) OJ C 369 of 22.12.2001.