

on-Main (Germany), represented by T. Raab-Rhein, C. Roth and B. Karthaus, lawyers, with an address for service in Luxembourg, against European Central Bank (Agents: V. Saintot, T. Gilliams and B. Wägenbauer), application for, first, annulment of the pay slips sent on 13 July 2001 to the applicants, staff of the European Central Bank (ECB), for the month of July 2001, insofar as they are based on an increase in basic pay of 2.2 % and, secondly, orders that the ECB send the applicants pay slips for the month of July 2001 based on an increase in basic pay of at least 2.7 %, or, in the alternative, on an increase corresponding to that upheld in the Court's judgment in this case, and pay them the difference between those amounts, the Court of First Instance (Third Chamber), composed of J. Azizi, President, M. Jaeger and N. J. Forwood, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 20 November 2003, the operative part of which is as follows:

1. *The pay slips sent on 13 July 2001 to the applicants, staff of the European Central Bank (ECB), for the month of July 2001 are annulled in so far as the ECB failed to consult the staff committee in adopting the salaries adjustment for the year 2001;*
2. *The remainder of the action is dismissed;*
3. *The European Central Bank shall pay the costs.*

(<sup>1</sup>) OJ C 131 of 1.6.2002.

#### JUDGMENT OF THE COURT OF FIRST INSTANCE

of 4 November 2003

**in Case T-85/02: Pedro Díaz, SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (<sup>1</sup>)**

**(Community trade mark — Opposition procedure — Application for Community word mark CASTILLO — Earlier national figurative mark EL CASTILLO — Likelihood of confusion — Similar marks already on the relevant market)**

(2004/C 21/67)

(Language of the case: Spanish)

In Case T-85/02, Pedro Díaz, SA, established in Cartagena (Spain), represented initially by P. Koch Moreno and subsequently by M. Aznar Alonso, lawyers, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: O. Montalto and J. Crespo Carrillo), the other party to the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs)(OHIM) being Granjas Castelló, SA, established in

Mollerussa (Spain): Action brought against the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 16 January 2002 (Case R 40/2000-3) concerning the opposition filed by the owner of the national trade mark EL CASTILLO, the Court of First Instance (Second Chamber), composed of: N. J. Forwood, President, J. Pirrung and A. W. H. Meij, Judges; B. Pastor, Deputy Registrar, has given a judgment on 4 November 2003, in which it:

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

(<sup>1</sup>) OJ C 144 of 15.6.2002.

#### JUDGMENT OF THE COURT OF FIRST INSTANCE

of 5 November 2003

**in Case T-98/02, Maddalena Lebedef-Caponi v Commission of the European Communities (<sup>1</sup>)**

**(Officials — Staff report — Performance of staff representative's and trade union activities — Action for annulment)**

(2004/C 21/68)

(Language of the case: French)

In Case T-98/02, Maddalena Lebedef-Caponi, an official of the Commission of the European Communities, residing in Senningerberg (Luxembourg), represented by G. Bouneou and F. Frabetti, lawyers, with an address for service in Luxembourg, against Commission of the European Communities (Agents: D. Martin and C. Berardis-Kayser), application for annulment of the decision to adopt the applicant's final staff report for the period from 1 July 1995 to 30 June 1997, the Court of First Instance (Fourth Chamber), composed of V. Tiili, President, P. Mengozzi and M. Vilaras, Judges; I. Natsinas, Administrator, for the Registrar, has given a judgment on 5 November 2003, the operative part of which is as follows:

1. *The decision to adopt the applicant's final staff report for the period from 1 July 1995 to 30 June 1997 is annulled.*
2. *The Commission is ordered to pay the costs.*

(<sup>1</sup>) OJ C 144 of 15.6.2002.