

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 17 December 2003****in Case T-133/02: Pravir Kumar Chawdhry v Commission of the European Communities** ⁽¹⁾**(Member of the temporary staff — Post paid from appropriations to the research budget — Grading)**

(2004/C 71/44)

(Language of the case: French)

In Case T-133/02: Pravir Kumar Chawdhry, a member of the temporary staff of the Commission of the European Communities, residing in Sangiano (Italy), represented by G. Vandersanden and L. Levi, lawyers, with an address for service in Luxembourg, against Commission of the European Communities (Agents: J. Currall and V. Joris) — application for, first, annulment of the Commission's decision grading the applicant in Grade A 6, Step 3, and, secondly, compensation in respect of harm suffered — the Court of First Instance (Single Judge: J. Pirrung); J. Plingers, Administrator, acting for the Registrar, has given a judgment on 17 December 2003, in which it:

1. *dismisses the application;*
2. *orders the Commission to bear its own costs and to pay a quarter of the applicant's costs;*
3. *orders the applicant to bear three quarters of his own costs.*

⁽¹⁾ OJ C 156 of 29.6.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 10 December 2003****in Case T-173/02: Pierre Tomarchio v Commission of the European Communities** ⁽¹⁾**(Officials – Grading — Rejection of an application for regrading under Article 31(2) of the Staff Regulations)**

(2004/C 71/45)

(Language of the case: French)

In Case T-173/02: Pierre Tomarchio, a former official of the Commission of the European Communities, residing in Nancy

(France), represented by N. Lhoëst, lawyer, with an address for service in Luxembourg, against Commission of the European Communities (Agents: J. Currall and F. Clotuche-Duvieusart) — application for annulment of the Commission's decision rejecting the applicant's application for regrading in the higher grade of his career bracket of recruitment — the Court of First Instance (Single Judge: H. Legal); I. Natsinas, Administrator, acting for the Registrar, has given a judgment on 10 December 2003, in which it:

1. *annuls the Commission's decision of 27 July 2001 rejecting the applicant's application for regrading in the higher grade of his career bracket of recruitment;*
2. *orders the Commission to pay all the costs.*

⁽¹⁾ OJ C 219 of 14.9.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 3 December 2003****in Case T-305/02: Nestlé Waters France v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)** ⁽¹⁾**(Community trade mark — Three-dimensional mark — Shape of a bottle — Absolute grounds for refusal — Distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)**

(2004/C 71/46)

(Language of the case: French)

In Case T-305/02, Nestlé Waters France, established in Issy-les-Moulineaux (France), represented by A. Cléry, avocat, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: A. Rassat and O. Waelbroeck): Application for annulment of the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 July 2002 (Case R 719/2000-4) refusing to register a three-dimensional trade mark consisting of the shape of a transparent bottle, the Court of First Instance (Fourth Chamber), composed of: V. Tiili, President, P. Mengozzi and M. Vilaras, Judges; B. Pastor, Deputy Registrar, has given a judgment on 3 December 2003, in which it: