

JUDGMENT OF THE COURT OF FIRST INSTANCE**28 January 2004**

in Joined Cases T-146/02 to T-153/02: Deutsche SiSi-Werke GmbH & Co. Betriebs KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) ⁽¹⁾

(Community trade mark — Three-dimensional mark — Form of drinks packaging — Stand-up pouch — Absolute grounds for refusal — Article 7(1)(b) of Regulation (EC) No 40/94 — Need to preserve a sign's availability)

(2004/C 94/112)

(Language of the case: German)

In Joined Cases T-146/02 to T-153/02, Deutsche SiSi-Werke GmbH & Co. Betriebs KG, established in Eppelheim (Germany), represented by A. Franke, lawyer, against Office for Harmonisation in the Internal Market (Trade Marks and Designs), (Agent: G. Schneider): Actions brought against the decisions of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 28 February 2002 (Cases R 719/1999 2 to R 724/1999 2, R 747/1999 2 and R 748/1999 2) concerning the registration of three-dimensional trade marks (stand-up pouches), the Court of First Instance (Second Chamber), composed of N.J. Forwood, President, J. Pirrung and A.W.H. Meij, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 28 January 2004, in which it:

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

⁽¹⁾ OJ C 180 of 27.07.2002.**JUDGMENT OF THE COURT OF FIRST INSTANCE
(SECOND CHAMBER)****of 28 January 2004**

in Case T-180/01: Euragri Srl v Commission of the European Communities ⁽¹⁾

(EAGGF — Withdrawal of financial assistance — Articles 24 and 25 of Regulation (EEC) No 4253/88)

(2004/C 94/113)

(Language of the case: Italian)

In Case T-180/01: Euragri Srl, established at Monte Vidon Combatte (Italy), represented by W. Massucci, lawyer, against Commission of the European Communities (Agents: initially L. Visaggio and M. Moretto and subsequently C. Cattabriga and M. Moretto) — application for annulment of Commission Decision C (2001) 1274 of 6 June 2001 withdrawing the assistance granted to Euragri Srl by Commission Decision C (92) 3214 of 3 December 1992 concerning grant of a contribution from the

EAGGF, Guidance Section, pursuant to Council Regulation (EEC) No 4256/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the EAGGF Guidance Section (OJ 1988 L 374, p.25), in connection with Project No 92.IT.06.069 entitled 'Pilot demonstration project for the use of new "Endovena" (intravenous) technology on fruit trees' — the Court of First Instance (Second Chamber), composed of N.J. Forwood, President, J. Pirrung and A.W. Meij, Judges; J. Palacio González, Principal Administrator, for the Registrar, gave a judgment on 28 January 2004, in which it:

1. Dismissed the application.
2. Ordered the applicant to pay the costs, including those incurred in connection with the application for interim measures

⁽¹⁾ OJ No C 275 of 29.9.01.**JUDGMENT OF THE COURT OF FIRST INSTANCE****of 10 February 2004**

in Joined Cases T-215/01, T-220/01 and T-221/01: Calberson GE v Commission of the European Communities ⁽¹⁾

(Regulation (EC) No 111/1999 — Food aid to Russia — Regulation (EC) No 1799/1999 — Supply of beef — Regulation (EC) No 1815/1999 — Supply of skimmed-milk powder — Award of contract for the provision of transport — Contractual relationship — Arbitration clause — Contractual liability — Non-contractual liability — Admissibility)

(2004/C 94/114)

(Language of the case: French)

In Joined Cases T-215/01, T-220/01 and T-221/01: Calberson GE, established in Paris (France), represented by T. Gallois, lawyer, against the Commission of the European Communities (Agent: G. Berscheid) — applications:

- in Case T-215/01, for an order requiring the Commission to pay to the applicant the sums of EUR 14 290,61 and USD 57 859,56, together with interest at the legal rate, in compensation for the loss allegedly suffered,
- in Case T-220/01, for an order requiring the Commission to pay to the applicant the sum of DEM 106 901,96, together with interest at the legal rate, in compensation for the loss allegedly suffered,
- in Case T-221/01, for an order requiring the Commission to pay to the applicant the sums of EUR 23 115,49 and USD 25 761,11, together with interest at the legal rate, in compensation for the loss allegedly suffered,