

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

(¹) OJ C 83 of 5.4.2003.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 21 October 2004

in Case T-49/03: **Gunda Schumann v Commission of the European Communities** (¹)

(Officials — Open competition — Preselection tests — Neutralisation of a multiple-choice question — Principle of proportionality — Breach of the competition notice)

(2004/C 314/48)

(Language of the case: German)

In Case T-49/03: Gunda Schumann, residing in Berlin (Germany), represented by Y. Block, lawyer, with an address for service in Luxembourg, against Commission of the European Communities (Agent: J. Currall, assisted by B. Wägenbaur, lawyer, with an address for service in Luxembourg) — application for annulment of the decision of the selection board in open competition COM/A/11/01 not to admit the applicant to the tests following the preselection tests, the Court of First Instance (Fifth Chamber), composed of P. Lindh, President, R. Garcia-Valdecasas and J.D. Cooke Judges; D. Christensen, Administrator, for the Registrar, gave a judgment on 21 October 2004, in which it:

1. Dismisses the application as inadmissible in that it seeks annulment of the decision of 19 July 2002;
2. Dismisses the application as unfounded in that it seeks annulment of the decision of 4 June 2002;
3. Orders the parties to bear their own costs.

(¹) OJ No C 101 of 26.4.2003.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 6 October 2004

in **Joined Cases T-117/03 to T-119/03 and T-171/03: New Look Ltd v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)** (¹)

(Community trade mark — Opposition proceedings — Earlier Community figurative mark comprising the letter combination 'NL' — Applications for Community figurative marks comprising the terms 'NLSPOUT', 'NLJEANS', 'NLACTIVE' and 'NLCollection' — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94)

(2004/C 314/49)

(Language of the case: Spanish)

In **Joined Cases T-117/03 to T-119/03 and T-171/03: New Look Ltd**, established in Weymouth, Dorset (United Kingdom), represented by R. Ballester and G. Marín, lawyers, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: O. Montalto, J. García Murillo and S. Laitinen), the other party to the proceedings before the Board of Appeal of OHIM being Naulover SA, established in Barcelona (Spain) — four actions brought against the decisions of the First Board of Appeal of OHIM of 27 January 2003 (R 95/2002-1, R 577/2001-1 and R 578/2001-1) and 15 April 2003 (R 19/03-1) relating to opposition proceedings between Naulover SA and New Look Ltd — the Court of First Instance (Second Chamber), composed of J. Pirrung, President, A.W.H. Meij and N.J. Forwood, Judges; J. Palacio González, Principal Administrator, for the Registrar, has given a judgment on 6 October 2004, in which it:

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

(¹) OJ C 146 of 21.6.2003.