

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 1 March 2005****in Case T-185/03 Vincenzo Fusco v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) ⁽¹⁾****(Community trade mark — Opposition proceedings — Application for Community word mark ENZO FUSCO — Earlier Community word mark ANTONIO FUSCO — Likelihood of confusion — Similarity between signs — Article 8(1)(b) of Regulation (EC) No 40/94)**

(2005/C 106/54)

(Language of the case: Italian)

In Case T-185/03: Vincenzo Fusco, residing in Sarmede di Rubano (Italy), represented by B. Saguatti, lawyer, against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: O. Montalto and P. Bullock), the other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance, being Antonio Fusco International SA Lussemburgo, Lugano subsidiary, established in Lugano (Switzerland), represented by M. Bosshard, S. Vereja and K. Muraro — action brought against the decision of the Fourth Board of Appeal of OHIM of 17 March 2003 in Case R 1023/2001-4, — the Court of First Instance (Second Chamber), composed of J. Pirrung, President, A.W.H. Meij and N.J. Forwood, Judges; B. Pastor, Deputy Registrar, for the Registrar, gave a judgment on 1 March 2005, in which it:

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

⁽¹⁾ OJ C 184 of 2.8.2003.

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 1 March 2005****in Case T-258/03 Andreas Mausolf v European Police Office (Europol) ⁽¹⁾****(Temporary staff — Europol staff — Non-extension of employment contract)**

(2005/C 106/55)

(Language of the case: Dutch)

In Case T-258/03: Andreas Mausolf, a former member of the staff of Europol, residing in Leiden (Netherlands), represented

by F. Baltussen, P. de Casparis and D.C. Coppens, lawyers, against the European Police Office (Europol), the seat of which is at the Hague (Netherlands) (Agents: D. Heimans and K. Hennessy-Massaró, and, at the hearing, N. Urban) — application for annulment of Europol's decision not to extend the term of the applicant's contract of employment and for compensation for the loss allegedly suffered — the Court of First Instance (Second Chamber), composed of J. Pirrung, President, A.W.H. Meij and I. Pelikánová, Judges; J. Plingers, Administrator, for the Registrar, gave a judgment on 1 March 2005, in which it:

1. Dismisses the application;
2. Orders the parties to bear their own costs.

⁽¹⁾ OJ C 213 of 6.9.2003.

Action brought on 12 January 2005 by Hoya Corporation against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case T-9/05)

(2005/C 106/56)

(Language in which the application was lodged: English)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) was brought before the Court of First Instance of the European Communities on 12 January 2005 by Hoya Corporation, established in Tokyo, (Japan) represented by A. Nordemann, lawyer.

Indo Internacional S.A. established in Barcelona (Spain) was also a party to the proceedings before the Board of Appeal.

The applicant claims that the Court should:

— annul the Decision of the First Board of Appeal of the OHIM of 3 November 2004 in case R 433/2004-1;

— order the defendant to pay the costs.