

3. Dismisses as inadmissible the claim for damages, as regards the bank guarantee charges incurred by the applicant before 31 January 1998;

4. Dismisses the remainder of the application as unfounded;

5. Orders the applicant to pay the costs.

(¹) OJ C 124 of 24.5.2003.

2. Orders the applicant to pay the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs);

3. Orders the intervener to bear its own costs.

(¹) OJ C 184, 2.08.2003.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 21 April 2005

in Case T-164/03 Ampafrance SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative trade mark comprising the word element ‘monBeBé’ — Earlier word marks bebe — Relative ground of refusal — Likelihood of confusion — Article 8(1)(b) and (5) of Regulation (EC) No 40/94)

(2005/C 155/29)

(Language of the case: French)

In Case T-164/03: Ampafrance SA, established in Cholet (France), represented by C. Bercial Arias, lawyer, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: A. Rassat and A. Folliard-Monguiral), the other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance, being Johnson and Johnson GmbH, established in Düsseldorf (Germany), represented by D. von Schultz, lawyer — action against the decision of the First Board of Appeal of OHIM of 4 March 2003 (Case R 220/2002-1), concerning opposition proceedings between Ampafrance SA and Johnson & Johnson GmbH — the Court of First Instance (Third Chamber), composed of M. Jaeger, President, V. Tiili and O. Czúcz, Judges; J. Plingers Administrator, for the Registrar, gave a judgment on 21 April 2005, in which it:

1. Dismisses the action;

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 20 April 2005

in Case T-211/03 Faber Chimica Srl v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Application for figurative mark Faber — Opposition of the proprietor of the national word and figurative marks NABER — Refusal of registration)

(2005/C 155/30)

(Language of the case: Italian)

In Case T-211/03: Faber Chimica Srl, established in Fabriano (Italy), represented by P. Tartuferi and M. Andreano, lawyers, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: M. Capostagno and O. Montalto), the other party to the proceedings before the Board of Appeal of OHIM being Industrias Quimicas Naber, SA Nabersa, established in Valencia (Spain) — action against the decision of the Fourth Board of Appeal of OHIM of 19 March 2003 (Case R 620/2001-4) concerning opposition proceedings between Faber Chimica Srl and Industrias Quimicas Naber, SA Nabersa — the Court of First Instance (Second Chamber), composed of J. Pirrung, President, N.J. Forwood and S. Pappasavvas, Judges; J. Palacio González, Principal Administrator, for the Registrar, gave a judgment on 20 April 2005, in which it:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 March 2003 (Case R 620/2001-4) in so far as it upholds the opposition of the proprietor of the Spanish word mark NABER;