

**Judgment of the Court of First Instance of 29 September 2005 — Thommes v Commission**

(Case T-195/03) <sup>(1)</sup>

*(Temporary agents — Installation allowance — Change in place of employment — Refusal to acknowledge installation of the family — Recovery of sum not due)*

(2005/C 281/38)

Language of the case: German

**Parties**

*Applicant(s)*: Gustav Thommes (Wezembeek-Oppem, Belgium) (represented by: M. Thewes and V. Wiot, lawyers)

*Defendant(s)*: Commission of the European Communities (represented by: J. Currall, Agent, assisted by B. Wägenbaur, lawyer)

**Application for**

Application for annulment of the Commission's decisions relating to the recovery of a part of the installation allowance paid to the applicant in the context of a change in his place of employment and the refusal to grant him an installation allowance in connection with a further re-assignment.

**Operative part of the judgment**

The Court:

- 1) *Dismisses the action.*
- 2) *Orders each party to bear its own costs.*

<sup>(1)</sup> OJ C 200, 23.8.2003.

**Judgment of the Court of First Instance of 15 September 2005 — Citicorp v OHIM**

(Case T-320/03) <sup>(1)</sup>

*(Community trade mark — Word mark LIVE RICHLY — Absolute grounds for refusal — Distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 — Right to be heard — Article 73 of Regulation No 40/94)*

(2005/C 281/39)

Language of the case: English

**Parties**

*Applicant(s)*: Citicorp (New York, United States) (represented by: V. von Bomhard, A. Renck and A. Pohlmann, lawyers)

*Defendant(s)*: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Laitinen, P. Bullock and A. von Mühlendahl, Agents)

**Application for**

annulment of the decision of the Third Board of Appeal of OHIM of 25 June 2003 (Case R 85/2002-3), concerning an application to register the word mark LIVE RICHLY as a Community trade mark

**Operative part of the judgment**

The Court:

- 1) *Dismisses the application;*
- 2) *Orders the applicant to bear its own costs, in addition to one half of the costs incurred by the defendant;*
- 3) *Orders the defendant to bear one half of its own costs.*

<sup>(1)</sup> OJ C 275, 15.11.2003.

**Judgment of the Court of First Instance of 27 September 2005 — Cargo Partner AG v OHIM**

(Case T-123/04) <sup>(1)</sup>

*(Community trade mark — Word sign CARGO PARTNER — Absolute ground for refusal — Article 7(1)(b) of Regulation (EC) No 40/94 — Absence of distinctive character)*

(2005/C 281/40)

Language of the case: German

**Parties**

*Applicant(s)*: Cargo Partner AG (Fischamend, Austria) (represented by: M. Wolner, lawyer)

*Defendant(s)*: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent)

**Application for**

annulment of the decision of the First Board of Appeal of OHIM of 26 January 2004 (Case R 346/2003-1), in relation to the application for registration of the word sign CARGO PARTNER as a Community trade mark