

Defendant(s): Commission of the European Communities (represented by: L. Lozano Palacios and H. Krämer, Agents)

Application for

Annulment of the decision of the Commission confirming the applicant's career development report for the period from 1 July 2001 to 31 December 2002 and payment of symbolic damages for the non-material damage alleged

Operative part of the judgment

The Court:

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

(⁽¹⁾) OJ C 106, 30.4.2004.

Judgment of the Court of First Instance of 27 October 2005 — Eden v OHIM

(Case T-305/04) (⁽¹⁾)

(Community trade mark — Olfactory mark: Smell of ripe strawberries — Absolute ground for refusal — Sign not capable of being represented graphically — Article 7(1)(a) of Regulation (EC) No 40/94)

(2005/C 330/54)

Language of the case: French

Parties

Applicant(s): Eden SARL (Paris, France) (represented by M. Antoine-Lalance, avocat)

Defendant(s): Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by A. Folliard-Monguiral, Agent)

Application for

annulment of the decision of the First Board of Appeal of OHIM of 24 May 2004 (Case R 591/2003-1) concerning registration of the olfactory sign, Smell of ripe strawberries, as a Community trade mark

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders the applicant to pay the costs.*

(⁽¹⁾) OJ C 262, 23.10.2004.

Order of the Court of First Instance of 20 September 2005 — Makro Cash & Carry Nederland v Commission

(Case T-258/99) (⁽¹⁾)

(State aid — Commission notice on the de minimis rule for State aid — Service stations — Risk of cumulation of aid — Aid covered by the notice — Legal interest in bringing proceedings)

(2005/C 330/55)

Language of the case: Dutch

Parties

Applicant(s): Makro Cash & Carry Nederland BV (Amsterdam, Netherlands) (represented by: I. Cath, K. Tattersall and R. Blaauboer, lawyers)

Defendant(s): Commission of the European Communities (represented by: initially G. Rozet and H. Speyart, Agents, assisted by J.C.M. van der Beek and L. Hancher, lawyers, and subsequently G. Rozet and H. van Vliet, Agents)

Application for

Annulment of Commission Decision 1999/705/EC of 20 July 1999 on the State aid implemented by the Netherlands for 633 Dutch service stations located near the German border (OJ 1999 L 280, p. 87)

Operative part of the Order

1. *The action is dismissed as inadmissible;*
2. *The applicant shall bear the costs.*

(⁽¹⁾) OJ C 34, 5.2.2000.