

- 2) Dismisses the remainder of the application;
- 3) Orders the applicant to bear four fifths of its own costs and to pay four fifths of the costs incurred by the Commission and the Commission to bear one fifth of its own costs and to pay one fifth of the costs incurred by the applicant.

(¹) OJ C 97, 30.4.2002

Judgment of the Court of First Instance of 16 March 2006
— **Telefon & Buch v OHIM**

(Case T-322/03) (¹)

(Community trade mark — Admissibility of the action — Unforeseeable circumstances — Application for a declaration of invalidity — Article 51(1)(a) of Regulation (EC) No 40/94 — Word mark WEISSE SEITEN — Absolute grounds for refusal — Article 7(1)(b) to (d) of Regulation No 40/94)

(2006/C 108/27)

Language of the case: German

Parties:

Applicant: Telefon & Buch Verlagsgesellschaft mbH (Salzburg, Austria) (represented by: H. Zeiner and M. Baldares del Barco, lawyers)

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

Other party or parties to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: Herold Business Data GmbH & Co.KG (Mödling, Austria) (represented by: A. Lensing-Kramer, C. von Nussbaum and U.Reese, lawyers)

Action

brought against the decision of the First Board of Appeal of OHIM of 19 June 2003 (Joined Cases R 580/2001-1 and R 592/2001-1) relating to invalidity proceedings between Herold Business Data AG and Telefon & Buch Verlagsgesellschaft mbH,

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs, except those incurred by the intervener;
3. Orders the intervener to bear its own costs.

(¹) OJ 2003 C 6, of 8.1.2005

Judgment of the Court of First Instance of 15 March 2006
— **Herbillon v Commission**

(Case T-411/03) (¹)

(Officials — Appointment — Revision of the classification in grade — Article 31(2) of the Staff Regulations)

(2006/C 108/28)

Language of the case: French

Parties

Applicant: Georges Herbillon (Arlon, Belgium) (represented by: N. Lhoëst and E. De Schietere de Lophem, lawyers)

Defendant: Commission of the European Communities (represented by: G. Berscheid and C. Berardis-Kayser, acting as Agents)

Re:

Application for, firstly, annulment of the Commission's decision of 20 December 2002, setting the applicant's final classification at Grade A7, step 3, and, secondly, annulment of the Commission's decision of 29 July 2003, rejecting the applicant's complaint.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders each party to bear its own costs.

(¹) OJ C 35, 7.2.2004.