

**Re:**

Application for the annulment of the Council's decision of 30 April 2004 refusing to give the applicant access to certain documents relating to the meeting of the committee of the Council known as 'the Article 133 Committee' of 19 December 2003.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders the applicant to bear its own costs and to pay those incurred by the Council;
3. Orders the Commission to bear its own costs.

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(<sup>1</sup>) OJ C 262, 23.10.2004.

**Judgment of the Court of First Instance of 18 April 2007  
— House of Donuts International v OHIM — Panrico  
(House of Donuts)**

(Joined Cases T-333/04 and T-334/04) (<sup>1</sup>)

*(Community trade mark — Opposition proceedings — Applications for Community figurative marks 'House of donuts' — Earlier national word marks 'DONUT' and earlier figurative marks 'donuts' — Relative ground for refusal — Likelihood of confusion)*

(2007/C 96/68)

*Language of the case: English*

**Parties**

*Applicant:* House of Donuts International (George Town, Grand Cayman) (represented by: N. Decker, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Laitinen and A. Folliard-Monguiral, Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance:* Panrico, SA (Barcelona, Spain) (represented by: D. Pellisé Urquiza, lawyer)

**Re:**

Two actions brought against the decisions of the Fourth Board of Appeal of OHIM of 12 May 2004 (Cases R 1034/2001-4

and R 1036/2001-4) concerning opposition proceedings between Panrico, SA and House of Donuts International

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders the applicant to pay the costs of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) and of the intervener.

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(<sup>1</sup>) OJ C 300, 4.12.2004.

**Judgment of the Court of First Instance of 29 March 2007  
— Verheyden v Commission**

(Case T-368/04) (<sup>1</sup>)

*(Staff case — Application to carry over annual leave — Requirements of the service — Sick leave — Protection of legitimate expectations)*

(2007/C 96/69)

*Language of the case: French*

**Parties**

*Applicant:* Luc Verheyden (Angera, Italy) (represented by: É. Boigelot, lawyer)

*Defendant:* Commission of the European Communities (represented by: V. Joris and L. Lozano Palacios, Agents)

**Re:**

Application, firstly, for annulment of the decisions of the applicant's head of unit, dated 4, 24 and 27 February 2004, relating to the applicant's application to carry over from 2003 to 2004 the days of annual leave not taken which exceeded the threshold of 12 days and for annulment of the administration's decision of 1 June 2004, received on 14 June 2004, rejecting the applicant's complaint and, secondly, for an order that the Commission pay compensation for 32 days of annual leave not used up and not paid, together with interest at 5.25 % from the date of commencement of this action and for an order for payment of damages in respect of non-material damage, detriment to his career and detriment to his reputation