

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs.

(¹) OJ C 314 of 18.12.2004.

Judgment of the Court of First Instance of 25 October 2007 — Lo Giudice v Commission

(Case T-27/05) (¹)

(Officials — Career development report — 2003 assessment procedure — Procedural irregularities — Article 43 of the Staff Regulations — Right to be heard — Sick leave — Medical certificate)

(2007/C 297/79)

Language of the case: French

Parties

Applicant: Carmela Lo Giudice (Grimbergen, Belgium) (represented by: F. Frabetti and G. Bounéou initially, then by F. Frabetti, lawyers)

Defendant: Commission of the European Communities (represented by: J. Currall and H. Kraemer, agents)

Re:

Application seeking the annulment of the assessment procedure covering the period from 1 January to 31 December 2003 and, in the alternative, the annulment of the decision of 4 May 2004 drawing up the definitive version of the career development report on the applicant in respect of the relevant period.

Operative part of the judgment

The Court:

1. Annuls the Commission's decision of 4 May 2004 drawing up the definitive version of the career development report on the applicant in respect of the 2003 assessment procedure;
2. Orders the Commission to pay the costs.

(¹) OJ C 82, 2.4.2005.

Judgment of the Court of First Instance of 18 October 2007 — Ekabe International v OHIM — Ebro Puleva (OMEGA 3)

(Case T-28/05) (¹)

(Community trade mark — Opposition proceedings — Application for the Community figurative trade mark OMEGA 3 — Earlier national word mark PULEVA-OMEGA 3 — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94)

(2007/C 297/80)

Language of the case: French

Parties

Applicant: Ekabe International SCA (Luxembourg, Luxembourg) (represented by: C. de Haas, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Ebro Puleva SA (Madrid, Spain) (represented by: P. Casamitjana Leonart, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 6 October 2004 (Case R 117/2001-4), relating to opposition proceedings between Puleva SA (now Ebro Puleva SA) and Ekabe International SCA

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Ekabe International SCA to pay the costs.

(¹) OJ C 82, 2.4.2005.