

Defendant: Commission of the European Communities (represented by: G. Berscheid and V. Joris, Agents, and D. Waelbroek, lawyer)

Re:

First, annulment of the Commission decisions not to award the applicant any priority points under the 2003 promotion procedure; to reject his appeal to the Promotions Committee seeking the award of priority points of any description; and to refuse to award priority points for work in the interest of the institution and, second, a claim for damages.

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *Each party is ordered to bear its own costs.*

⁽¹⁾ OJ C 82, 2.4.2005.

Order of the Court of First Instance of 6 October 2008 — Kaloudis v OHIM — Fédération française de tennis (RolandGarros SPORTSWEAR)

(Case T-380/07) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark RolandGarros SPORTSWEAR — Previous national word mark Roland Garros — Late payment of the appeal fees — Decision of the Board of Appeal deeming the action to be unfounded)

(2008/C 313/61)

Language of the case: French

Parties

Applicant: Dimitrios Kaloudis (Dassia, Greece) (represented by: G. Kaloudis, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance: Fédération française de tennis (FFT) (Paris, France) (represented by: F. Fajgenbaum, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 19 July 2007 (Case R 876/2006-4)

concerning opposition proceedings between the Fédération française de tennis (FFT) and Mr Dimitrios Kaloudis.

Operative part of the order

The Court:

1. *Dismisses the action as being in part manifestly lacking any foundation in law and in part manifestly inadmissible.*
2. *Orders Mr Dimitrios Kaloudis to pay the costs.*

⁽¹⁾ OJ C 283, 24.11.2007.

Action brought on 10 September 2008 — Murnauer Markenvertrieb v OHIM — Fitne Gesundheit und Wellness (Notfall Bonbons)

(Case T-372/08)

(2008/C 313/62)

Language in which the application was lodged: German

Parties

Applicant: Murnauer Markenvertrieb GmbH (Trebur, Germany) (represented by: H. Daniel and O.I. Haleen, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal of OHIM: Fitne Gesundheits- und Wellness GmbH (Salzhemmendorf, Germany)

Form of order sought

- Annul the decision of the Board of Appeal of OHIM of 10 July 2008 in Case R 909/2007-1;
- order the defendant to pay the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: Word mark 'Notfall Bonbons' for goods in classes 5 and 30 (Community trade mark No 3 563 251)

Proprietor of the Community trade mark: The applicant

Applicant for the declaration of invalidity: Fitne Gesundheits- und Wellness GmbH