

Judgment of the Court of First Instance of 5 November 2008 — Calzaturificio Frau v OHIM — Camper (Representation of a stylised arch with the surface in solid colour)

(Case T-304/07) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for a Community figurative mark representing a stylised arch with the surface in solid colour — Earlier Community figurative mark representing a stylised arch — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2008/C 327/41)

Language of the case: Italian

Parties

Applicant: Calzaturificio SpA (San Giovanni Ilarione, Italy) (represented by: A. Rizzoli, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Montalto and L. Rampini, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Camper, SL (Inca, Spain) (represented by: I. Temiño Ceniceros, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 14 June 2007 in Case R 768/2006-1 relating to opposition proceedings between Camper, SL and Calzaturificio Frau SpA

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Calzaturificio Frau SpA to pay the costs.

⁽¹⁾ OJ C 235, 6.10.2007.

Judgment of the Court of First Instance of 11 November 2008 — Speiser v Parliament

(Case T-390/07 P) ⁽¹⁾

(Appeal — Staff case — Temporary staff — Admissibility — Expatriation allowance — Purely confirmatory decision — Complaint made out of time)

(2008/C 327/42)

Language of the case: German

Parties

Appellant: Michael Alexander Speiser (Neu-Isenburg, Germany) (represented by: F. Theumer, lawyer)

Other party to the proceedings: European Parliament (represented by: initially A. Lukošūūtė and N. Lorenz and subsequently A. Lukošūūtė and S. Seyr, acting as Agents)

Re:

Appeal against the order of the Civil Service Tribunal of the European Union (First Chamber) of 10 September 2007 in Case F-146/06 *Speiser v Parliament*, not yet published in the ECR, seeking to have that order set aside

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders each party to bear the costs incurred in the appeal proceedings.

⁽¹⁾ OJ C 297, 8.12.2007.

Order of the Court of First Instance of 25 September 2008 — Regione Siciliana v Commission

(Case T-363/03) ⁽¹⁾

(Action for annulment — ERDF — Cancellation of a financial contribution — Recovery of the sums already paid — Regional or local entity — Lack of direct effect — Inadmissibility)

(2008/C 327/43)

Language of the case: Italian

Parties

Applicant: Regione Siciliana (Italy) (represented by: A. Cingolo, lawyer)

Defendant: Commission of the European Communities (represented by: E. de March and L. Flynn, acting as Agents, assisted by A. Dal Ferro, lawyer)

Re:

First, application for annulment of Commission Decision C(2003) 2890 final of 13 August 2003 concerning cancellation of the contribution from the European Regional Development Fund (ERDF) granted to the applicant by Commission Decision C(90) 2363 025 of 14 December 1990 in respect of an infrastructure project in Sicily and the recovery of the sums already paid by the Commission in connection with that contribution; secondly, application for annulment of Commission debit note No 3240504102 of 26 September 2003; and, thirdly, annulment of any other connected or prior measure

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *Regione Siciliana is ordered to pay the costs.*

(¹) OJ C 304, 13.12.2003.

**Order of the Court of First Instance of 12 September 2008
— Stephens v Commission**

(Case T-139/04) (¹)

(Staff cases — Officials — Interlocutory judgment — No need to adjudicate)

(2008/C 327/44)

Language of the case: French

Parties

Applicant: Kelvin William Stephens (Brussels, Belgium) (represented by: N. Lhoëst, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall and H. Krämer, acting as Agents, assisted by B. Wägenbaur, lawyer)

Re:

First, application for annulment of the decision of the Commission of 14 April 2003 altering the applicant's classification in grade, in so far as it establishes his classification in step on recruitment as Grade A6, step 1, establishes 5 October 1995 as the date on which the decision takes financial effect and failed to reconstitute the applicant's career in grade and application for annulment of the decision rejecting the applicant's complaint; secondly, claim for compensation in respect of the alleged damage resulting from that decision

Operative part of the order

1. *There is no need to adjudicate on the action.*
2. *The Commission is ordered to pay all of the costs.*

(¹) OJ C 168, 26.6.2004.

**Order of the Court of First Instance of 29 September 2008
— Powderject Research v OHIM (POWDERMED)**

(Case T-166/06) (¹)

(Community trade mark — Application for the Community word mark POWDERMED — Absolute ground for refusal — Descriptiveness — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)

(2008/C 327/45)

Language of the case: English

Parties

Applicant: Powderject Research Ltd (Oxford, United Kingdom) (represented by: A. Bryson, Barrister, and P. Brownlow, Solicitor)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis, acting as Agent)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 12 April 2006 (Case R 1189/2005-2) concerning an application for registration of the word sign POWDERMED as a Community trade mark.

Operative part of the order

1. *The action is dismissed.*
2. *Powderject Research Ltd shall pay the costs.*

(¹) OJ C 190, 12.8.2006.