

**Judgment of the Court of First Instance of 2 July 2008 —  
Stradivarius España v OHIM — Ricci (Stradivari 1715)**

(Case T-340/06) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community figurative mark Stradivari 1715 — Earlier Community figurative Stradivarius trade marks — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)*

(2008/C 209/85)

Language of the case: Italian

**Parties**

*Applicant:* Stradivarius España (Arteixo, Spain) (represented by: G. Marín Raigal and P. López Ronda, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Montalto and A. Sempio, Agents)

*Other party to the proceedings before the Board of Appeal of OHIM:* Cristina Ricci (Reggello, Italy) (represented by: P. Roncaglia, G. Lazzaretti, M. Boretto and E. Gavuzzi, lawyers)

**Re:**

Action brought against the decision of the Board of Appeal of OHIM of 7 September 2006 (Case R 1024/2005-1) concerning opposition proceedings between Stradivarius España, SA and Cristina Ricci.

**Operative part of the judgment**

The Court hereby:

1. Dismisses the action;
2. Orders Stradivarius España, SA to pay the costs.

<sup>(1)</sup> OJ C 326, 30.12.2006.

**Judgment of the Court of First Instance of 8 July 2008 —  
Commission v Economidis**

(Case T-56/07 P) <sup>(1)</sup>

*(Appeals — Staff cases — Officials — Annulment at first instance of the Commission's decision to appoint a head of unit — Rejection of the applicant's candidature — Appointment of another candidate — Determination of the level of the post to be filled in the vacancy notice — Principle of separation of the grade and the function — Appeal well-founded — Dispute capable of being decided — Dismissal of the action)*

(2008/C 209/86)

Language of the case: French

**Parties**

*Appellant:* Commission of the European Communities (represented by: J. Currall and G. Berscheid, Agents)

*Other party to the proceedings:* Ioannis Economidis (Woluwé-Saint-Etienne, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

*Interveners in support of the appellant:* European Parliament (represented by: C. Burgos and A. Lukošūūtė, Agents); Council of the European Union (represented by: M. Simm and I. Sulce, Agents); and Court of Auditors of the European Communities (represented by: T. Kennedy, J.-M. Stenier and B. Schäfer, Agents)

**Re:**

Appeal against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 14 December 2006 in Case F-122/05 *Economidis v Commission*, not yet published in the ECR-SC, seeking to have that judgment set aside.

**Operative part of the judgment**

The Court:

1. Sets aside the judgment of the Civil Service Tribunal of the European Union of 14 December 2006 in Case F-122/05 *Economidis v Commission*, not yet published in the ECR-SC;
2. Dismisses the action brought by Mr Ioannis Economidis before the Civil Service Tribunal in Case F-122/05;