

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: El Coto de Rioja SA (Oyón, Spain) (represented initially by M.E. López Camba, then by M.E. López Camba and J. Grimau Muñoz, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 15 June 2004 (Case R 550/2003-2) concerning opposition proceedings between El Coto de Rioja SA and Sebirán SL.

Operative part of the judgment

The Court:

1. dismisses the action;
2. dismisses the application of El Coto de Rioja SA for the partial annulment of the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs)(OHIM) of 15 June 2004 (Case R 550/2003-2);
3. orders Sebirán SL to pay its own costs and those of OHIM and one half of the costs of El Coto de Rioja SA;
4. orders El Coto de Rioja SA to bear one half of its own costs.

⁽¹⁾ OJ C 284, 20.11.2004.

**Judgment of the Court of First Instance of 11 March 2008
— Guigard v Commission**

(Case T-301/05) ⁽¹⁾

(Non-contractual liability — Non-renewal of a contract of employment financed by the EDF — Lack of unlawful conduct on the part of the Commission — Jurisdiction of the Court of First Instance)

(2008/C 107/39)

Language of the case: French

Parties

Applicant: Philippe Guigard (Paris, France) (represented initially by: S. Rodrigues and A. Jaume, later by: S. Rodrigues and C. Bernard-Glantz, lawyers)

Defendant: Commission of the European Communities (represented initially by: D. Martin and K. Herrmann, later by: F. Dintilhac and G. Boudot, Agents)

Re:

Action for damages for the loss allegedly suffered by the applicant by reason of the allegedly wrongful conduct of the Commission in regard to the non-renewal of his contract of employment concluded in the framework of technical co-operation between the Community and the Republic of Niger financed by the European Development Fund (EDF).

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders Mr Philippe Guigard to pay the costs.

⁽¹⁾ OJ C 271, 29.10.2005.

**Judgment of the Court of First Instance of 12 March 2008
— Compagnie générale de diététique v OHIM (GARUM)**

(Case T-341/06) ⁽¹⁾

(Community trade mark — Application for Community trade mark GARUM — Absolute ground for refusal — Relevant public — Article 7(1)(b) of Regulation (EC) No 40/94)

(2008/C 107/40)

Language of the case: French

Parties

Applicant: Compagnie générale de diététique SAS (Caen, France) (represented by: J.-J. Evrard and T. de Haan, lawyers)

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

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 7 September 2006 (Case R 1401/2005-1) concerning application for registration of the word sign GARUM as a Community trade mark.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 7 September 2006 (Case R 1401/2005-1).

2. *Orders OHIM to pay its own costs and the costs of Compagnie générale de diététique SAS.*

(¹) OJ C 326, 30.12.2006.

Judgment of the Court of First Instance of 12 March 2008
— **Rossi Ferreras v Commission of the European Communities**

(Case T-107/07 P) (¹)

(Appeal — Staff cases — Officials — Career development report — Appraisal year 2003 — Assessment of facts — Burden of proof and production of evidence — Appeal inadmissible — Appeal unfounded)

(2008/C 107/41)

Language of the case: French

Parties

Appellant: Francisco Rossi Ferreras (Luxembourg, Luxembourg) (represented by: F. Frabetti and S. Martin, lawyers)

Other party to the proceedings: Commission of the European Communities (represented by: V. Joris and K. Herrmann, agents)

Re:

Appeal against judgment of the European Union Civil Service Tribunal (Second Chamber) of 1 February 2007 in Case F-42/05 Rossi Ferreras v Commission, not yet published in ECR, for the annulment of that judgment.

Operative part of the judgment

The Court:

1. *dismisses the appeal;*
2. *orders Mr Francisco Rossi Ferreras to bear his own costs and to pay the costs of the Commission.*

(¹) OJ C 129, 9.6.2007.

Judgment of the Court of First Instance of 12 March 2008
— **Suez v OHIM**

(Case T-128/07) (¹)

(Community trade mark — Application for Community word mark Delivering the essentials of life — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)

(2008/C 107/42)

Language of the case: French

Parties

Applicant: Suez (Paris, France) (represented by: P. Combeau and D. Régnier, lawyers)

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

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 2 February 2007 (Case R 811/2006-1) concerning an application for registration of the mark Delivering the essentials of life as a Community trade mark.

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders Suez to pay the costs.*

(¹) OJ C 140, 23.6.2007.