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(Information)

COURT OF JUSTICE

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Assumption of duties by a new Judge of the Court of Justice

(2002/C 68/01)

Following his appointment as Judge of the Court of Justice of the European Communities by decision of the Governments of the Member States of the European Communities of 19 December 2001 [1], Mr Allan Rosas took his oath before the Court on 16 January 2002.

[1] OJ L :20 of 23.1.2002, p. 4.

Decisions adopted by the Court at its general meeting on 22 January 2002

(2002/C 68/02)

The Court of Justice of the European Communities adopted the following decisions at its meeting on 22 January 2002:

Assignment of Judge Rosas

Mr Rosas is assigned to the First and Fifth Chambers.

Composition of the Fifth Chamber

1. The composition of the Fifth Chamber for the period from 22 January 2002 to 6 October 2002 has been determined as follows:

Fifth Chamber

Mr Jann, President of the Chamber,

Mr von Bahr, Mr Edward, Mr La Pergola, Mr Wathelet, Mr Timmermans and Mr Rosas, Judges.

2. In addition, as regards the period from 22 January 2002 to 6 October 2002, the list on the basis of which the composition of the Fifth Chamber is determined, as set out in the decision adopted by the Court at its meeting on 18 September 2001 [1], has been amended as follows:

Fifth Chamber

(President: Mr Jann)

Mr Edward, Mr La Pergola, Mr von Bahr, Mr Timmermans, Mr Wathelet, and Mr Rosas, Judges.

[1] OJ C 303 of 27.10.2001, p. 1.

Appeal brought on 6 December 2001 by Procter & Gamble Company against the judgment delivered on 19 September 2001 by the Second Chamber of the Court of First Instance of the European Communities in case T-117/00 [1] between Procter & Gamble Company and Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case C-468/01 P)

(2002/C 68/03)

An appeal against the judgment delivered on 19 September 2001 by the Second Chamber of the Court of First Instance of

the European Communities in case T-117/00 between Procter & Gamble Company and Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) was brought before the Court of Justice of the European Communities on 6 December 2001 by Procter & Gamble Company, established in Cincinnati, Ohio (United States of America), represented by C.J.J.C. van Nispen and G. Kuipers, lawyers.

The Appellant claims that the Court should:

— annul the judgment

— order the OHIM to pay the costs both at first instance and on appeal.

Pleas in law and main arguments

The Appellant submits that the Court of First Instance erred in the following respects:

— in deeming it unnecessary to decide whether the distinctive character of the Mark should be assessed by reference to the date on which the application for registration is filed or the date of actual registration;

— in holding that the level of attention given by the average consumer to the shape and colours of washing machine and dishwasher tablets is not high;

— in deeming it appropriate to ascertain whether the Marks applied for will enable the members of the public targeted to distinguish the products from those having a different trade origin when they come to select a product for purchase;

— in holding that the slightly rounded corners of the tablet are not likely to be perceived by the average consumer as a distinctive feature of the shape claimed, capable of distinguishing it from other washing machine or dishwasher tablets and in failing to assess whether such slightly rounded corners were already part of the usual get up(s) of the tablets on the market at the relevant date and, if not, whether the difference is perceptible, rendering it apt to confer distinctive character on the Marks;

— in failing to assess whether the colours as applied to Marks were already part of the usual get up(s) of the tablets on the market at the relevant date and, if not, whether the difference is perceptible, rendering it apt to confer distinctive character on the Marks;

— in failing to assess whether the specific pattern (speckles and/or layers) of the colours was already part of the usual get up(s) of the tablets on the market at the relevant date and, if not, whether the difference is perceptible, rendering it apt to confer distinctive character on the Marks.

([1]) OJ C 192, 8.7.2000, p. 21.

Appeal brought on 6 December 2001 by Procter & Gamble Company against the judgment delivered on 19 September 2001 by the Second Chamber of the Court of First Instance of the European Communities in case T-118/00 ([1]) between Procter & Gamble Company and Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case C-469/01 P)

(2002/C 68/04)

An appeal against the judgment delivered on 19 September 2001 by the Second Chamber of the Court of First Instance of the European Communities in case T-118/00 between Procter & Gamble Company and Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) was brought before the Court of Justice of the European Communities on 6 December 2001 by Procter & Gamble Company, established in Cincinnati, Ohio (United States of America), represented by C.J.J.C. van Nispen and G. Kuipers, lawyers.

The Appellant claims that the Court should:

— annul the judgment

— order the OHIM to pay the costs both at first instance and on appeal.

Pleas in law and main arguments

See case C-468/01 P.

([1]) OJ C 192, 8.7.2000, p. 21.