

vessels, the Court of First Instance of the European Communities (Third Chamber), composed of: J. Azizi, President, K. Lenaerts and M. Jaeger, Judges, Registrar: J. Palacio González, Administrator, has given a judgment on 6 December 2001, in which it:

1. *Dismisses the action;*
2. *Orders the applicants to pay the costs.*

(<sup>1</sup>) OJ C 333 of 20.11.1999.

#### JUDGMENT OF THE COURT OF FIRST INSTANCE

of 4 December 2001

**in Case T-125/00: Joaquín López Madruga v Commission of the European Communities** (<sup>1</sup>)

**(Officials — Transfer of part of remuneration in the currency of a Member State other than that of the country in which the institution has its seat — Article 17(2)(a) and (b) of Annex VII to the Staff Regulations — Combined application)**

(2002/C 84/105)

(Language of the case: Spanish)

In Case T-125/00: Joaquín López Madruga, an official of the Commission of the European Communities, residing in Brussels, represented by J.R. Iturriagagoitia, lawyer, with an address for service in Luxembourg, v Commission of the European Communities (Agents: J. Currall, J. Rivas Andres and J.J. Gutierrez Gisbert) — application for partial annulment of the decision implicitly rejecting the applicant's request of 12 October 1999 for the transfer of part of his remuneration under Article 17 of Annex VII to the Staff Regulations — the Court of First Instance (Single Judge: A.W.H. Meij); H. Jung, Registrar, has given a judgment on 4 December 2001, in which it:

1. *Annuls the implicit decision of the Commission of 23 March 2000 in so far as it limits to 19 % of the applicant's net monthly remuneration the amount which he may transfer pursuant to Article 17(2)(b) of Annex VII to the Staff Regulations;*

2. *Orders the Commission to bear its own costs and to pay one half of the applicant's costs.*

(<sup>1</sup>) OJ C 211 of 22.7.2000.

#### JUDGMENT OF THE COURT OF FIRST INSTANCE

11 December 2001

**in Case T-138/00: Erpo Möbelwerk GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)** (<sup>1</sup>)

**(Community trade mark — 'DAS PRINZIP DER BEQUEMLICHKEIT' — Absolute grounds for refusal — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)**

(2002/C 84/106)

(Language of the case: German)

In Case T-138/00, Erpo Möbelwerk GmbH, established in Ertingen (Germany), represented by S. von Petersdorff-Campen, Rechtsanwalt, with an address for service in Luxembourg, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), represented by F. López de Rego and G. Schneider, acting as Agents, with an address for service in Luxembourg: action brought against the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 23 March 2000 (Case R 392/1999-3) concerning the registration of 'DAS PRINZIP DER BEQUEMLICHKEIT' as a Community trade mark, the Court of First Instance (Fourth Chamber), composed of: P. Mengozzi, President, V. Tiili and R.M. Moura Ramos, Judges, Registrar: J. Palacio González, Administrator, has given a judgment on 11 December 2001, in which it has ruled:

1. *Annuls the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 23 March 2000 (Case R 392/1999-3);*
2. *Orders the Office to bear its own costs and to pay those of the applicant.*

(<sup>1</sup>) OJ C 233 of 12.8.2000.