

JUDGMENT OF THE COURT OF FIRST INSTANCE

7 February 2002

in Case T-88/00: Mag Instrument Inc. v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) ⁽¹⁾

(Community trade mark — Torch shape — Three-dimensional mark — Absolute ground for refusal — Distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)

(2002/C 109/87)

(Language of the case: German)

In Case T-88/00, Mag Instrument Inc., established in Ontario (United States of America), represented by A. Nette, W. von der Osten-Sacken, H. Stratmann, G. Rahn and U. Hocke, lawyers, with an address for service in Luxembourg v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (agents: A. von Mühlendahl, E. Joly and S. Bonne): Action brought against the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 February 2000 (Cases R-237/1999-2 to R-241/1999-2) refusing registration of five three-dimensional trade marks consisting of torch shapes, Court of First Instance (Fourth Chamber), composed of: P. Mengozzi, President, V. Tiili and R.M. Moura Ramos, Judges; D. Christensen, Administrator, Registrar, has given a judgment on 7 February 2002, in which it:

1. Dismisses the application;
2. Orders the applicant to pay the costs.

⁽¹⁾ OJ C 163 of 10.6.2000.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 31 January 2002

in Case T-206/00: Merja Hult v the Commission of the European Communities ⁽¹⁾

(Officials — Classification — Statement of reasons — Article 32 of the Staff Regulations — Commission decision on the criteria applicable to appointment to grade and classification in step on recruitment — Additional seniority in grade — Conditions — Principle of legal certainty)

(2002/C 109/88)

(Language of the case: French)

In Case T-206/00: Merja Hult, an official of the Commission of the European Communities, residing in Howald (Luxembourg),

represented by J.-N. Louis and V. Peere, lawyers, with an address for service in Luxembourg, against Commission of the European Communities (Agent: J. Currall) — application for annulment of the decision of the Commission of 8 October 1999 fixing, with effect from 16 January 1999, the applicant's definitive classification in Grade A 7, step 1 — the Court of First Instance (Fourth Chamber), composed of M. Vilaras, President, V. Tiili and P. Lindh, Judges; J. Palacio González, Administrator, for the Registrar, gave a judgment on 31 January 2002, in which it:

1. annuls the decision of the Commission of 8 October 1999 fixing, with effect from 16 January 1999, the applicant's definitive classification in Grade A 7, step 1.
2. orders the Commission to pay the costs.

⁽¹⁾ OJ 2000 C 285.

JUDGMENT OF THE COURT OF FIRST INSTANCE

7 February 2002

in Case T-211/00: Aldo Kuijter v Council of the European Union ⁽¹⁾

(Transparency — Council Decision 93/731/EC on public access to Council documents — Refusal of an application for access — Protection of the public interest — International relations — Manifest error — Partial (access)

(2002/C 109/89)

(Language of the case: English)

In Case T-211/00, Aldo Kuijter, residing in Utrecht (Netherlands), represented by O.W. Brouwer and T. Janssens, lawyers, with an address for service in Luxembourg, v Council of the European Union (agents: M. Bauer and M. Bishop): Application for annulment of the Council's decision notified to the applicant by letter of 7 June 2000 refusing him access to certain documents from the Centre for Information, Discussion and Exchange on Asylum ('CIREA') which were requested under Council Decision 93/731/EC of 20 December 1993 on public access to Council documents (OJ 1993 L 340, p. 43), Court of First Instance (Fourth Chamber), composed of: