

JUDGMENT OF THE COURT OF FIRST INSTANCE

20 February 2002

in Case T-170/00: Förde-Reederei GmbH v Council of the European Union and Commission of the European Communities⁽¹⁾

(Non-contractual liability of the Community — Directive 92/12/EEC on the general arrangements for products subject to excise duty — Damage caused by transitional tax exemption arrangements for products bought by travellers during sea-crossings between two Member States)

(2002/C 144/88)

(Language of the case: German)

In Case T-170/00, Förde-Reederei GmbH, established in Flensburg (Germany), represented by U. Schrömbges and L. Harings, lawyers, with an address for service in Luxembourg, v Council of the European Union (Agents: A.-M. Colaert and J.-P. Hix) and Commission of the European Communities (Agents: E. Traversa, R. Lyal and K. Gross): Application seeking compensation for damage allegedly suffered following the expiry of the transitional tax exemption arrangements provided by Article 28 of Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products (OJ 1992 L 76, p. 1), Court of First Instance (Second Chamber), composed of: R. M. Moura Ramos, President, J. Pirrung and A. W. H. Meij, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 20 February 2002, in which it:

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

⁽¹⁾ OJ C 259 of 9.9.2000.

JUDGMENT OF THE COURT OF FIRST INSTANCE

27 February 2002

in Case T-219/00: Ellos AB v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)⁽¹⁾

(Community trade mark — ELLOS — Absolute ground for refusal — Descriptive nature — Article 7(1)(c) of Regulation (EC) No 40/94)

(2002/C 144/89)

(Language of the case: English)

In Case T-219/00, Ellos AB, established in Borås (Sweden), represented by G. Bergqvist, lawyer, v Commission of the European Communities (Agents: F. López de Rego and J. F. Crespo Carrillo): Action brought against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 June 2000 (Case R 385/1999-1), refusing registration of the term ELLOS as a Community trade mark, Court of First Instance (Fourth Chamber), composed of: P. Mengozzi, President, V. Tiili and R. M. Moura Ramos, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 27 February 2002, in which it:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 June 2000 (Case R 385/1999-1) in so far as it concerns services falling within Class 35 of the Nice Agreement and corresponding to the following description: 'customer services for mail-order sales';
2. Dismisses the remainder of the application;
3. Orders the parties to bear their own costs.

⁽¹⁾ OJ C 316 of 4.11.2000.