

## JUDGMENT OF THE COURT OF FIRST INSTANCE

20 March 2002

**in Case T-356/00: DaimlerChrysler AG v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)**<sup>(1)</sup>

**(Community trade mark — ‘CARCARD’ — Absolute grounds for refusal — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)**

(2002/C 144/90)

(Language of the case: German)

In Case T-356/00, DaimlerChrysler AG, established in Stuttgart (Germany), represented by S. Völker, lawyer, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: A. von Mühlendahl and D. Schennen): 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 12 September 2000 (Case R 477/1999-3) relating to registration of the word ‘CARCARD’ as a Community trade mark, the Court of First Instance (Second Chamber, Extended Composition), composed of: R. M. Moura Ramos, President, V. Tiili, J. Pirrung, P. Mengozzi and A. W. H. Meij, Judges; H. Jung, Registrar, has given a judgment on 20 March 2002, in which it:

1. *Annuls the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 September 2000 (Case R 477/1999-3) as regards the following categories of goods and services:*
  - ‘stationary and transportable data processing equipment; programmes on data carriers for data and/or text and/or image processing’ within Class 9;
  - ‘arranging and processing of the payment of charges, namely telephone charges; financing and sales financing including arrangement thereof; processing of payments for services and guarantees’ within Class 36;
  - ‘arranging of services and guarantees’ within Class 37;
  - ‘arranging of telecommunications services, namely telephones, speech recording services, information services; telecommunications services, namely telephones, speech recording services, information services’ within Class 38;

— ‘rental and leasing of data processing equipment; booking and payment processing programming; providing of food and drink; arranging and/or reserving hotel or guesthouse accommodation’ within Class 42;

2. *As to the remainder, dismisses the action;*
3. *Orders the applicant to pay its own costs and half of the defendant’s costs; the defendant is to pay the other half of its own costs.*

<sup>(1)</sup> OJ C 28 of 27.1.2001.

## JUDGMENT OF THE COURT OF FIRST INSTANCE

20 March 2002

**in Case T-358/00: DaimlerChrysler AG v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)**<sup>(1)</sup>

**(Community trade mark — ‘TRUCKCARD’ — Absolute grounds for refusal — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)**

(2002/C 144/91)

(Language of the case: German)

In Case T-358/00, DaimlerChrysler AG, established in Stuttgart (Germany), represented by S. Völker, lawyer, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: A. von Mühlendahl and D. Schennen): 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 12 September 2000 (Case R 569/1999-3) relating to registration of the word ‘TRUCKCARD’ as a Community trade mark, the Court of First Instance (Second Chamber, Extended Composition), composed of: R. M. Moura Ramos, President, V. Tiili, J. Pirrung, P. Mengozzi and A. W. H. Meij, Judges; H. Jung, Registrar, has given a judgment on 20 March 2002, in which it:

1. *Annuls the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 September 2000 (Case R 569/1999-3) as regards the following categories of goods and services:*
  - stationary and transportable data processing equipment; programmes on data carriers for data and/or text and/or image processing’ within Class 9;

- ‘arranging and processing of the payment of charges, namely telephone charges; financing and sales financing including arrangement thereof; processing of payments for services and guarantees’ within Class 36;
  - ‘arranging of services and guarantees’ within Class 37;
  - ‘arranging of telecommunications services, namely telephones, speech recording services, information services; telecommunications services, namely telephones, speech recording services, information services’ within Class 38;
  - ‘rental and leasing of data processing equipment; booking and payment processing programming; providing of food and drink; arranging and/or reserving hotel or guesthouse accommodation’ within Class 42;
2. As to the remainder, dismisses the action;
  3. Orders the applicant to pay its own costs and half of the defendant’s costs; the defendant is to pay the other half of its own costs.

(<sup>1</sup>) OJ C 28 of 27.1.2001.

#### ORDER OF THE COURT OF FIRST INSTANCE

of 21 March 2002

**in Case T-355/99: Vatinel N.V. v Commission of the European Communities**(<sup>1</sup>)

**(Action for annulment — Imports of television sets from Turkey — Case not proceeding to judgment)**

(2002/C 144/92)

(Language of the case: French)

In Case T-355/99: Vatinel N.V., established in Antwerp (Belgium), represented by M. Famchon, lawyer, with an address for service in Luxembourg, supported by the Kingdom of the Netherlands (Agents: J. van Bakel and H. G. Sevenster), v Commission of the European Communities (Agents: R. Tricot and J. Stuyck) — application for annulment of the Commission’s decision C(1999) 2286 final (REC 12/98) of 22 July 1999 declaring that post-clearance recovery should be effected and refusing remission of import duties in respect of television

sets imported from Turkey — the Court of First Instance (Third Chamber), composed of: M. Jaeger, President, and K. Lenaerts and J. Azizi, Judges; H. Jung, Registrar, made an order on 21 March 2002, the operative part of which is as follows:

1. There is no need to give a decision on the present application;
2. The Commission is to pay all the costs.

(<sup>1</sup>) OJ C 79 of 18.3.2000.

#### ORDER OF THE COURT OF FIRST INSTANCE

of 4 March 2002

**in Case T-337/00: Firma Sarah Tex Textil Groß- und Einzelhandel GmbH v Commission of the European Communities**(<sup>1</sup>)

**(Action for annulment — Withdrawal of the contested measure — Case not proceeding to judgment)**

(2002/C 144/93)

(Language of the case: German)

In Case T-337/00: Firma Sarah Tex Textil Groß- und Einzelhandel GmbH, established in Essen (Germany), represented by D. Ehle, lawyer, with an address for service in Luxembourg, supported by the Kingdom of Denmark (Agent: J. Molde), v Commission of the European Communities (Agents: R. Tricot and M. Núñez Müller) — application for annulment of the Commission’s decision C (2000) 1685 final of 29 June 2000, addressed to the Federal Republic of Germany and relating to a remission of import duties — the Court of First Instance (Fifth Chamber), composed of: J. D. Cooke, President, and R. García-Valdecasas and P. Lindh, Judges; H. Jung, Registrar, made an order on 4 March 2002, the operative part of which is as follows:

1. There is no need to give a decision on the present application;