

## JUDGMENT OF THE COURT OF FIRST INSTANCE

of 19 March 2003

**in Joined Cases T-188/01, T-189/01 and T-190/01: Vassilios Tsarnavas v Commission of the European Communities** <sup>(1)</sup>

**(Officials — Admissibility — Promotion — Consideration of comparative merits of officials from different services)**

(2003/C 124/32)

(Language of the case: French)

In Joined Cases T-188/01, T-189/01 and T-190/01: Vassilios Tsarnavas, an official of the Commission of the European Communities, residing in Brussels, represented by N. Lhoëst, lawyer, with an address for service in Luxembourg, against Commission of the European Communities (Agent: D. Martin) — application for the annulment of the decisions of the Commission not to promote the applicant in the 1998, 1999 and 2000 promotions procedures — the Court of First Instance (First Chamber), composed of B. Vesterdorf, President, R.M. Moura Ramos and H. Legal, Judges; Blanca Pastor, Deputy Registrar, gave a judgment on 19 March 2003, in which it:

1. Annuls the decisions of the Commission not to promote the applicant in the 1998, 1999 and 2000 promotions procedures;
2. Dismisses as inadmissible the application in Case T-190/01;
3. Orders the Commission to pay the costs in Cases T-188/01 and T-189/01;
4. Orders the parties to bear their own costs in Case T-190/01.

<sup>(1)</sup> OJ C 317 of 10.11.2001 and C 303 of 27.10.2001.

## JUDGMENT OF THE COURT OF FIRST INSTANCE

of 5 March 2003

**in Case T-273/01: Innova Privat-Akademie GmbH v Commission of the European Communities** <sup>(1)</sup>

**(Community trade mark — Invalidity proceedings — ‘BSS’ — Article 51 of Regulation (EC) No 40/94 — Absolute ground for refusal — Article 7(1)(d) of Regulation No 40/94 — Distinctive character acquired through use — Articles 7(3) and 51(2) of Regulation No 40/94)**

(2003/C 124/33)

(Language of the case: German)

In Case T-273/01: Alcon Inc, formerly Alcon Universal Ltd, established in Hünenberg (Switzerland), represented by H. Porter, Solicitor and C. Morcom QC, with an address for service in Luxembourg, v Commission of the European Communities (Agents: M. de Pauw and B. Martenczuk: Action brought against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 13 July 2001 (Case R 273/2000-1), the Court of First Instance (Third Chamber), composed of: R.M. Moura Ramos, President, J. Pirrung and A.W.H. Meij, Judges, Registrar: J. Plingers, Administrator, has given a judgment on 19 March 2003, in which it:

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

<sup>(1)</sup> OJ C 3 of 5.1.2002.

## JUDGMENT OF THE COURT OF FIRST INSTANCE

of 5 March 2003

**in Case T-293/01: Donatella Ineichein v Commission of the European Communities** <sup>(1)</sup>

**(Temporary staff — Daily subsistence allowance — Place of recruitment — Evidence)**

(2003/C 124/34)

(Language of the case: French)

In Case T-293/01: Donatella Ineichein, member of the temporary staff of the Commission of the European Communities, residing in Brussels, represented by M.-A. Lucas, lawyer, against