

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 9 July 2003

in Case T-162/01: Laboratorios RTB, SL v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) ⁽¹⁾

(Community trade mark — Opposition procedure — Earlier figurative and word marks containing the word GIORGI — Application for Community word mark GIORGIO BEVERLY HILLS — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 40/94)

(2003/C 213/61)

(Language of the case: Spanish)

In Case T-162/01, Laboratorios RTB, SL, established in Bigues i Riells (Spain), represented by A. Canela Giménez, lawyer, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: O. Montalto and J.F. Crespo Carrillo), the other party to the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) being: Giorgio Beverly Hills, Inc., established in Santa Monica, California (United States of America): 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 30 April 2001 (Case R 122/2000-1), the Court of First Instance (Fourth Chamber), composed of: V. Tiili, President, P. Mengozzi and M. Vilaras, Judges; B. Pastor, Deputy Registrar has given a judgment on 9 July 2003, in which it:

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

⁽¹⁾ OJ C 303 of 27.10.2001.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 9 July 2003

in Case T-234/01, Andreas Stihl AG & Co. KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) ⁽¹⁾

(Community trade mark — Colours — Combination of orange and grey — Absolute ground for refusal — Distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)

(2003/C 213/62)

(Language of the case: German)

In Case T-234/01, Andreas Stihl AG & Co. KG, established in Waiblingen (Germany), represented by S. Völker and A. Klett, lawyers, with an address for service in Luxembourg, against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agent: G. Schneider) — application for annulment of the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 24 July 2001 (Case R 477/2000-1), refusing registration of a combination of the colours orange and grey as a Community trade mark, the Court of First Instance (Fourth Chamber), composed of V. Tiili, President, P. Mengozzi and M. Vilaras, Judges; Registrar: B. Pastor, Assistant Registrar, has given a judgment on 9 July 2003 in which it:

- (1) Dismisses the action.
- (2) Orders the applicant to pay the costs.

⁽¹⁾ OJ 2001 C 348.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 8 July 2003

in Case T-65/02: Michelle Chetaud v European Parliament ⁽¹⁾

(Officials — Pension — Weighting applicable — Proof of residence — Suspension of measure — Effect on the burden of proof)

(2003/C 213/63)

(Language of the case: French)

In Case T-65/02: Michelle Chetaud, former official of the European Parliament, residing in Nice (France), represented by