

1. *Annuls Commission Decision SG (2001) D of 25 July 2001 not to object to the aid granted by the German authorities to Glunz AG;*
2. *Orders the Commission, in addition to bearing its own costs, to pay those incurred by the applicant;*
3. *Orders Glunz AG and OSB Deutschland GmbH to bear the costs which they incurred in connection with their intervention.*

(¹) OJ C 118 of 18.5.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 30 November 2004

in Case T-168/02: IFAW Internationaler Tierschutz-Fonds gGmbH v Commission of the European Communities (¹)

(Action for annulment — Access to documents — Regulation (EC) No 1049/2001 — Article 4(5) — No disclosure of a document from a Member State without the prior agreement of that State)

(2005/C 31/37)

(Language of the case: English)

In Case T-168/02: IFAW Internationaler Tierschutz-Fonds gGmbH, formerly Internationaler Tierschutz-Fonds (IFAW) GmbH, established in Hamburg (Germany), represented by S. Crosby, Solicitor, supported by the Kingdom of the Netherlands (Agents: H. Sevenster, S. Terstal, N. Bel and C. Wissels, with an address for service in Luxembourg), the Kingdom of Sweden (Agents: A. Kruse and K. Wistrand, with an address for service in Luxembourg) and the Kingdom of Denmark (Agents: initially J. Bering Liisberg, and subsequently J. Molde, with an address for service in Luxembourg), against the Commission of the European Communities (Agents: C. Docksey and P. Aalto, with an address for service in Luxembourg), supported by the United Kingdom of Great Britain and Northern Ireland (represented by R. Caudwell, acting as Agent, and M. Hoskins, Barrister, with an address for service in Luxembourg) – application for annulment of the Commission's decision of 26 March 2002 refusing to grant the applicant access to certain documents, relating to the declassification of a protected site, in accordance with Article 4(5) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council

and Commission documents (OJ 2001 L 145, p. 43) – the Court of First Instance (Fifth Chamber, Extended Composition), composed of: P. Lindh, President, R. García-Valdecasas, J.D. Cooke, P. Mengozzi and M.E. Martins Ribeiro, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 30 November 2004, in which it:

1. *Dismisses the appeal;*
2. *Orders the applicant to bear its own costs and to pay those incurred by the Commission;*
3. *Orders the Kingdom of the Netherlands, the Kingdom of Sweden, the Kingdom of Denmark and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.*

(¹) OJ C 202 of 24.8.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 24 November 2004

in Case T-393/02: Henkel KGaA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Three-dimensional mark — Shape of a white and transparent bottle — Absolute ground for refusal — Distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)

(2005/C 31/38)

(Language of the case: German)

In Case T-393/02: Henkel KGaA, established in Düsseldorf (Germany), represented by C. Osterrieth, lawyer, with an address for service in Luxembourg, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: U. Pflegar and G. Schneider) – action brought against the decision of the Fourth Board of Appeal of OHIM of 3 October 2002 (Case R 313/2001-4), concerning the registration of a three-dimensional sign constituted by the shape of a white and transparent bottle – the Court of First Instance (Fourth Chamber), composed of H. Legal, President, V. Tiili and M. Vilaras, Judges; J. Plingers, Administrator, for the Registrar, has given a judgment on 24 November 2004, in which it: