

2. *The Commission of the European Communities shall pay the costs.*

(<sup>1</sup>) OJ C 184 of 02.08.2003.

3. *The Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) shall bear its own costs.*

(<sup>1</sup>) OJ C 239 of 04.10.2003.

### ORDER OF THE COURT

(Fourth Chamber)

of 18 January 2005

**in Case C-325/03 P: José Luis Zuazaga Meabe v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (<sup>1</sup>)**

*(Appeal — Community trade mark — Action for annulment — Inadmissibility because out of time — Appeal manifestly unfounded)*

(2005/C 106/20)

*(Language of the case: Spanish)*

In Case C-325/03 P: appeal under Article 56 of the Statute of the Court of Justice lodged at the Court on 21 July 2003 by José Luis Zuazaga Meabe, residing in Bilbao (Spain), (lawyers: J.A. Calderón Chavero and N. Moya Fernández), the other parties to the proceedings being the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: O. Montalto and I. de Medrano Caballero) — the Court (Fourth Chamber), composed of K. Lenaerts, President of the Chamber, J.N. Cunha Rodrigues and M. Ilešič (Rapporteur), Judges; M. Poirares Maduro, Advocate General; R. Grass, Registrar, made an order on 18 January 2005, the operative part of which is as follows

1. *The appeal is dismissed.*

2. *Mr Zuazaga Meabe shall bear his own costs and pay those incurred by Banco Bilbao Vizcaya Argentaria SA.*

### ORDER OF THE COURT

(Fourth Chamber)

of 7 December 2004

**in Case C-521/03 P: Internationaler Hilfsfonds eV v Commission of the European Communities (<sup>1</sup>)**

*(Appeal — Admissibility of the action — Whether the action is out of time — Fifth paragraph of Article 230 EC — Merely confirmatory decision — Categorisation)*

(2005/C 106/21)

*(Language of the case: English)*

In Case C-521/03 P: appeal under Article 56 of the Statute of the Court of Justice, lodged on 15 December 2003 by Internationaler Hilfsfonds eV (lawyer: H. Kaltenecker), the other party to the proceedings being the Commission of the European Communities (Agents: M. Wilderspin and S. Fries) — the Court (Fourth Chamber), composed of J.N. Cunha Rodrigues, acting for the President of the Fourth Chamber, N. Colneric and K. Schiemann (Rapporteur), Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, made an order on 7 December 2004, the operative part of which is as follows:

1. *The appeal is dismissed.*

2. *The appellant shall bear the costs.*

(<sup>1</sup>) OJ C 59 of 06.03.2004.