

refusing to grant the applicant leave to attend, on a mission basis, the meeting of 7 December 2001 on the 'comprehensive package of proposed amendments to the Staff Regulations' — the Court of First Instance (First Chamber) composed of B. Vestendorf, President, P. Mengozzi and M.E. Martins Ribeiro, Judges; Registrar: I. Natsinas, Administrator, has given a judgment on 12 April 2005, the operative part of which is as follows:

1. *The action is dismissed.*
2. *Each of the parties is ordered to bear their own costs, including those of the interlocutory proceedings.*

(¹) OJ C 233 of 28.9.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 21 April 2005

in Case T-269/02 PepsiCo, Inc. v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark RUFFLES — Earlier national trade mark RIFFELS — Even earlier national trade mark RUFFLES — Coexistence and equivalence between national trade marks and Community trade marks)

(2005/C 155/23)

(Language of the case: English)

In Case T-269/02: PepsiCo, Inc., established in Purchase, New York (United States), represented by E. Armijo Chávarri, lawyer, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: initially J. Novais Gonçalves and J. Crespo Carrillo, subsequently A. von Mühlendahl and J. Novais Gonçalves), the other party to the proceedings before the OHIM Board of Appeal, intervening before the Court of First Instance, being Intersnack Knabber-Gebäck GmbH & Co. KG, formerly Convent Knabber-Gebäck GmbH & Co. KG, established in Cologne (Germany), represented by M. Schaeffer, lawyer — action brought against the decision of the First Board of Appeal of OHIM of 10 June 2002 (Case R 114/2000-1) relating to opposition proceedings between PepsiCo, Inc. and Intersnack Knabber-Gebäck GmbH & Co. KG, — the Court of First Instance (Fifth Chamber), composed of M.

Vilaras, President, F. Dehousse and D. Šváby, Judges; J. Palacio González, Principal Administrator, for the Registrar, gave a judgment on 21 April 2005, in which it:

1. *Dismisses the application;*
2. *Orders the applicant to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs);*
3. *Orders the intervener to bear its own costs.*

(¹) OJ C 261 of 26.10.2002

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 20 April 2005

in Case T-273/02 Krüger GmbH & Co. KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark CALPICO — Earlier national mark CALYPSO — Article 8(1)(b) of Regulation (EC) No 40/94 — Right to be heard)

(2005/C 155/24)

(Language of the case: German)

In Case T-273/02: Krüger GmbH & Co. KG, established in Bergisch Gladbach (Germany), represented by S. von Petersdorff-Campen, lawyer, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agent: G. Schneider), the other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance, being Calpis Co. Ltd, established in Tokyo (Japan), represented by O. Jüngst and M. Schork, lawyers — action brought against the decision of the First Board of Appeal of OHIM of 25 June 2002 (Case R 484/2000-1), concerning opposition proceedings between Calpis Co. Ltd and Krüger GmbH & Co. KG — the Court of First Instance (Fourth Chamber), composed of H. Legal, President, P. Mengozzi and I. Wiszniewska-Białecka, Judges; I. Natsinas, Administrator, for the Registrar, gave a judgment on 20 April 2005, in which it:

1. *Dismisses the action;*

2. Orders the applicant to pay the costs.

JUDGMENT OF THE COURT OF FIRST INSTANCE

(¹) OJ C 274 of 9.11.2002.

of 19 April 2005

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 13 April 2005

in Case T-353/02 Duarte y Beltrán SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark INTEA — Earlier national word marks INTESA — Refusal of registration — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 40/94)

(2005/C 155/25)

(Language of the case: Spanish)

In Case T-353/02: Duarte y Beltrán SA, established in Santander (Spain), represented initially by N. Moya Fernandez, and subsequently by J. Calderón Chavero and T. Villate Consonni, lawyers, against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: M. Schneider and P. Jurado Montejano), the other party to the proceedings before the Board of Appeal of OHIM being Mirato SpA, established in Novara (Italy) — action against the decision of the Second Board of Appeal of OHIM of 6 August 2002 (Case R 407/2001-2) concerning opposition proceedings between Duarte y Beltrán SA and Mirato SpA — the Court (Second Chamber), composed of J. Pirrung, President, N. J. Forwood and I. Pelikánová, Judges; B. Pastor, Assistant Registrar, has given a judgment on 13 April 2005, in which it:

1. Dismisses the action.

2. Orders the applicant to pay the costs.

(¹) JO C 44 of 22.2.2003.

in Joined Cases T-380/02 and T-128/03: Success-Marketing Unternehmensberatungsgesellschaft mbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Application for restitutio in integrum — Conditions governing notification of decisions and communications by OHIM — Facsimile transmission)

(2005/C 155/26)

(Language of the case: German)

In Joined Cases T-380/02 and T-128/03 Success-Marketing Unternehmensberatungsgesellschaft mbH, established in Linz (Austria), represented by G. Secklehner and C. Ofner, avocats, with an address for service in Luxembourg v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agent: J. Weberndörfer and G. Schneider), the other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance in Case T-128/03, being Chipita International SA, established in Athens (Greece), represented by P. Hoffmann, avocat — actions for annulment brought, first, against the decision of the First Board of Appeal of OHIM of 26 September 2002 (Case R 26/2001-1) rejecting the application by the applicant for restitutio in integrum and, secondly, of the decision of 13 February 2003 and/or the decision of 13 March 2003 of the First Board of Appeal of OHIM (Case R 1124/2000-1) concerning opposition proceedings between Success-Marketing Unternehmensberatungsgesellschaft mbH and Chipita International SA, — the Court of First Instance (Fifth Chamber), composed of M. Vilaras, President, M. E. Martins Ribeiro and K. Jürimäe, Judges; I. Natsinas, Administrator, for the Registrar, gave a judgment on 19 April 2005, in which it:

1. Dismisses the actions;

2. Orders the applicant to pay its own costs as well as those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);