

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 16 June 2005****in Case T-352/03, Giorgio Lebedef v Commission of the European Communities** ⁽¹⁾**(Community officials — Staff report — Delay in drawing up report — Action for damages)**

(2005/C 205/34)

(Language of the case: French)

In Case T-352/03, Giorgio Lebedef, official of the Commission of the European Communities, residing in Senningerberg (Luxembourg), represented by G. Bouneou and F. Frabetti, lawyers, with an address for service in Luxembourg, v Commission of the European Communities (Agents: J. Currall and C. Berardis-Kayser, with an address for service in Luxembourg) — action for damages by way of compensation for the non-pecuniary damage suffered due to the delay in drawing up the staff report for the 1999/2001 period, — the Court of First Instance, composed of V. Tiili, Judge, Registrar: I. Natsinas, Administrator, has given a judgment on 16 June 2005, in which it:

- 1) *Orders the Commission to pay the applicant the amount of EUR 950.*
- 2) *Dismisses the remainder of the action.*
- 3) *Orders the Commission to pay the costs.*

⁽¹⁾ OJ C 7 of 10.1.2004

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 15 June 2005****in Case T-7/04 Shaker di L. Laudato & C. Sas v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)** ⁽¹⁾**(Community trade mark — Application for figurative Community trade mark *Limoncello della Costiera Amalfitana shaker* — Earlier national word mark *LIMONCHELO* — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)**

(2005/C 205/35)

(Language of the case: Italian)

In Case T-7/04: Shaker di L. Laudato & C. Sas, established in Vietri sul Mare (Italy), represented by F. Sciaudone, lawyer,

against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (agent: M. Capostagno), the other party to the proceedings before the Board of Appeal of OHIM having been *Limiñana y Botella, SL*, established in Monforte del Cid (Spain), action brought against the decision of the Second Board of Appeal of OHIM of 24 October 2003 (Case R 933/2002-2), relating to opposition proceedings between *Limiñana y Botella, SL* and *Shaker di L. Laudato & C. Sas*, the Court of First Instance (Third Chamber), composed of M. Jaeger, President, J. Azizi and E. Cremona, Judges; B. Pastor, Deputy Registrar, gave a judgment on 15 June 2005, in which it:

1. *Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 24 October 2003 (Case R 933/2002-2) and alters it so that the appeal brought before OHIM by the applicant is well founded and consequently the opposition must be rejected;*
2. *Orders OHIM to pay the costs.*

⁽¹⁾ OJ C 59 of 6.3.2004.

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 22 June 2005****in Case T-19/04, Metso Paper Automation Oy v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)** ⁽¹⁾**(Community trade mark — Word mark *PAPERLAB* — Absolute ground for refusal of registration — Article 7(1)(c) of Regulation (EC) No 40/94 — Descriptive sign)**

(2005/C 205/36)

(Language of the case: English)

In Case T-19/04, Metso Paper Automation Oy, established in Helsinki (Finland), represented by J. Tanhuanpää, lawyer, against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (agent: S. Laitinen) — action against the decision of the First Board of Appeal of OHIM of 17 November 2003 (Case R 842/2002-1) concerning an application for registration of the Community word mark *PAPERLAB*, the Court of First Instance (Fourth Chamber), composed of H. Legal, President, P. Mengozzi and I. Wiszniewska-Białecka, Judges; B. Pastor, Deputy Registrar, gave a judgment on 22 June 2005, in which it:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

(¹) OJ C 71 of 20.3.2004

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 22 June 2005

in Case T-34/04 Plus Warenhandelsgesellschaft mbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Application for a Community figurative mark containing the verbal element ‘Turkish Power’ — Earlier word mark POWER — Opposition proceedings — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2005/C 205/37)

(Language of the case: German)

In Case T-34/04: Plus Warenhandelsgesellschaft mbH, established in Mühlheim (Germany), represented by B. Piepenbrink, lawyer, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agent: G. Schneider), the other parties to the proceedings before the OHIM Board of Appeal having been Joachim Bälz and Friemar Hiller, residing in Stuttgart (Germany) — action brought against the decision of the Second Board of Appeal of OHIM of 25 November 2003 (Case R 620/2002-2) concerning opposition proceedings between Tengelmann Warenhandelsgesellschaft and Bälz and Hiller — the Court of First Instance (Fourth Chamber), composed of H. Legal, President, P. Lindh and V. Vadapalas, Judges; C. Kristensen, Administrator, for the Registrar, gave a judgment on 22 June 2005, in which it:

1. Dismisses the application;

2. Orders the applicant to pay the costs.

(¹) OJ C 106 of 30.4.2004

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 15 June 2005

in Case T-186/04 Spa Monopole, compagnie fermière de Spa SA/NV v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Opposition proceedings — Application for registration of Community word mark SPAFORM — Earlier word marks SPA and SPA THERMES — Partial rejection of the opposition — Rule 18(1) of Regulation (EC) No 2868/95)

(2005/C 205/38)

(Language of the case: English)

In Case T-186/04, Spa Monopole, compagnie fermière de Spa SA/NV, established in Spa (Belgium), represented by L. de Brouwer, E. Cornu, É. De Gryse and D. Moreau, 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 Spaform Ltd, established in Southampton (United Kingdom), represented by J. Gardner and A. Howard, Barristers, application for annulment of the decision of the Fourth Board of Appeal of OHIM of 25 February 2004 (Case R 827/2002-4) relating to opposition proceedings between Spa Monopole, compagnie fermière de Spa SA/NV and Spaform Ltd — the Court of First Instance (Second Chamber), composed of J. Pirrung, President, N.J. Forwood and S. Pappasavvas, Judges; B. Pastor, Deputy Registrar, gave a judgment on 15 June 2005, in which it:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 25 February 2004 (Case R 827/2002-4) in part, in so far as it declares inadmissible the opposition based on Article 8(5) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark, as regards the SPA mark registered in Benelux under No 389 230;

2. Dismisses the remainder of the application;

3. Orders OHIM to bear its own costs and to pay those incurred by the applicant;

4. Orders the intervener to bear its own costs.

(¹) OJ C 201 of 7.8.2004