

3. Dismisses the remainder of the actions;
4. In Cases T-155/03 and T-157/03, orders the Commission to pay the costs;
5. In Case T-331/03, orders the Commission to bear its own costs and to pay half the applicant's costs.

⁽¹⁾ OJ C 171, 19.7.2003.

Judgment of the Court of First Instance of 8 December 2005 — Castellblanch v OHIM

(Case T-29/04) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for a figurative Community trade mark containing the word element 'CRISTAL CASTELLBLANCH' — Earlier national word mark CRISTAL — Genuine use of the earlier mark — Likelihood of confusion — Article 8(1)(b), Article 15(2)(a) and Article 43(2) and (3) of Regulation (EC) No 40/94)

(2006/C 48/52)

Language of the case: English

Parties

Applicant: Castellblanch, SA (Sant Sadurni d'Anoia, Spain) (represented by: F. de Visscher, E. Cornu, É. De Gryse and D. Moreau, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: I. de Medrano Caballero, Agent)

Other party or parties to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Champagne Louis Roederer SA (Reims, France) (represented by: P. Cousin, lawyer)

Action

brought against the decision of the Second Board of Appeal of OHIM of 17 November 2003 (Case R 37/2000-2), relating to opposition proceedings between Castellblanch, SA and Champagne Louis Roederer SA

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 71 of 20. 03. 2004.

Judgment of the Court of First Instance of 22 December 2005 — Gorostiaga Atxalandabaso v Parliament

(Case T-146/04) ⁽¹⁾

(Rules governing the payment of expenses and allowances to Members of the European Parliament — Review of use of allowances — Justification of expenses — Recovery of a debt by offsetting)

(2006/C 48/53)

Language of the case: French

Parties

Applicant: Koldo Gorostiaga Atxalandabaso (Saint-Pierre-d'Irube, France) (represented by: D. Rouget, lawyer)

Defendant: European Parliament (represented by H. Krück, C. Karamarcos and D. Moore, Agents)

Intervener in support of the defendant: Kingdom of Spain (represented by its Agent)

Application for

Annulment of the decision of the Secretary-General of the European Parliament of 24 February 2004 concerning the recovery of sums paid to the applicant as parliamentary expenses and allowances

Operative part of the judgment

The Court:

- 1) Annuls the decision of the Secretary-General of the European Parliament of 24 February 2004 concerning the recovery of sums paid to the applicant as parliamentary expenses and allowances in so far as it provides that the sum owed by the applicant will be recovered by offsetting.

- 2) Dismisses the remainder of the application.
- 3) Orders the applicant, the Parliament and the Kingdom of Spain to bear their own costs.

⁽¹⁾ OJ C 168, 26.6.2004.

Judgment of the Court of First Instance of 15 December 2005 — Bauwens v Commission

(Case T-154/04) ⁽¹⁾

(Officials — Career development report — 2001/2002 appraisal exercise — Article 7 of the General Implementing Provisions — Deadline for submission of an application to refer a matter to the Joint Evaluation Committee — Suspension)

(2006/C 48/54)

Language of the case: French

Parties

Applicant: Daniel Bauwens (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: Commission of the European Communities (represented by: C. Berardis-Kayser and H. Tserepa-Lacombe, Agents)

Application for

Annulment of the counter-signing officer's decision of 15 July 2003 not to refer a matter to the Joint Evaluation Committee in the course of the procedure for the drawing-up of the applicant's career development report under Article 7 of the General Provisions Implementing Article 43 of the Staff Regulations of officials of the European Communities

Operative part of the judgment

The Court:

1. Annuls the counter-signing officer's decision of 15 July 2003 not to refer the matter to the Joint Evaluation Committee;
2. Orders the Commission to pay the costs.

⁽¹⁾ OJ C 168, 26.6.2004.

Judgment of the Court of First Instance of 14 December 2005 — Arysta Lifescience v OHIM

(Case T-169/04) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark CARPOVIRUSINE — Former national word mark CARPO — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2006/C 48/55)

Language of the case: French

Parties

Applicant: Arysta Lifescience SAS, formally Calliope SAS (Noguères, France) (represented by: S. Legrand, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Pétrequin, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: BASF AG (Ludwigshafen am Rhein, Germany)

Action

brought against the decision of the First Board of Appeal of OHIM of 4 March 2004 (Case R 289/2003-1) relating to the opposition proceedings between Calliope SAS and BASF AG

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 179 of 10.7.2004.