

Judgment of the Court of First Instance of 23 February 2006 — Il Ponte Finanziaria v OHIM

(Case T-194/03) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark composed of the word ‘Bainbridge’ — Earlier national, figurative three-dimensional and word marks including the word ‘Bridge’ — Proof of use — Use in a different form — ‘Defensive’ trade marks — Family of trade marks)

(2006/C 96/19)

Language of the case: Italian

Parties:

Applicant: Il Ponte Finanziaria (Scandicci, Italy) (represented by: P.L. Roncaglia, A. Torrigiani Malaspina and M. Boletto, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: M. Buffolo and O. Montalto, agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Marine Enterprise Projects — Società Unipersonale di Alberto Fiorenzi Srl (Numana, Italy) (represented by: D. Marchi, lawyer)

Action

brought against the decision of the Fourth Board of Appeal of OHIM of 17 March 2003 (Case R 1015/2001-4) relating to opposition proceedings between Il Ponte Finanziaria SpA and Marine Enterprise Projects — Società Unipersonale di Alberto Fiorenzi Srl

Operative part of the judgment

The Court:

1. dismisses the action;
2. orders the applicant to pay the costs.

⁽¹⁾ OJ 2003 C 184.

Judgment of the Court of First Instance of 21 February 2006 — V v Commission

(Joined Cases T-200/03 and T-313/03) ⁽¹⁾

(Officials — Dismissal for incompetence — Article 51 of the Staff Regulations — Manifest error of assessment — Misuse of power — Duty to have regard for the welfare of officials — Rights of the defence — Proportionality — Equality of treatment — Statement of reasons — Staff report — Admissibility — Legal interest in bringing proceedings)

(2006/C 96/20)

Language of the case: French

Parties

Applicant: V (Overijse, Belgium) (represented by: C. Mourato, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall, Agent)

Application for

Firstly, annulment of the appointing authority's decision to dismiss the applicant for incompetence and, secondly, annulment of the applicant's staff report for the 1999/2001 period

Operative part of the judgment

The Court:

1. Dismisses actions T-200/03 and T-313/03;
2. Orders each party to bear the costs it incurred during these proceedings and during the interlocutory proceedings.

⁽¹⁾ OJ C 200, 23.8.2003.

Judgment of the Court of First Instance of 22 February 2006 — Nestlé v OHIM

(Case T-74/04) ⁽¹⁾

(Community trade mark — Opposition procedure — Application for Community figurative trade mark including the word element ‘QUICKY’ — Earlier Community, national and international figurative trade marks including the word element ‘QUICK’ — Earlier national and international word marks ‘QUICK’ — Earlier national word marks ‘QUICKIES’ — Likelihood of confusion — Refusal to register — Article 8(1)(b) of Regulation (EC) No 40/94)

(2006/C 96/21)

Language of the case: French

Parties:

Applicant: Société des produits Nestlé SA (Vevey, Switzerland) (represented by: J. Evrard and P. Péters, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, Agent)

Other party or parties to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Quick restaurants SA (Brussels, Belgium) (represented by: É. De Gryse and D. Moreau, lawyers)