

**Judgment of the Court of First Instance of 15 March 2006**  
— **Kimman v Commission**

(Case T-44/04) <sup>(1)</sup>

**(Officials — Appointment — Revision of the classification in grade — Article 31(2) of the Staff Regulations)**

(2006/C 108/34)

Language of the case: French

**Parties**

*Applicant:* Eugène Kimman (Overijse, Belgium) (represented by: N. Lhoëst and E. De Schietere de Lophem, lawyers)

*Defendant:* Commission of the European Communities (represented by: V. Joris and A. Bouquet, acting as Agents)

**Re:**

Application for annulment of the Commission's decision of 20 December 2002 setting the applicant's final classification at Grade B5 and, as far as is necessary, annulment of the Commission's decision of 1 October 2003 rejecting the applicant's complaint.

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders each party to bear its own costs.*

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<sup>(1)</sup> OJ C 94, 17.4.2004.

**Judgment of the Court of First Instance of 15 March 2006**  
— **Develey v OHIM**

(Case T-129/04) <sup>(1)</sup>

**(Community trade mark — Three-dimensional mark — Shape of a plastic bottle — Refusal of registration — Absolute ground of refusal — Lack of distinctive character — Earlier national trade mark — Paris Convention — TRIPs Agreement — Article 7(1)(b) of Regulation (EC) No 40/94)**

(2006/C 108/35)

Language of the case: German

**Parties:**

*Applicant:* Develey Holding GmbH & Co. Beteiligungs KG (Unterhaching, Germany) (represented by: R. Kunz-Hallstein and H. Kunz-Hallstein, lawyers)

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

**Action**

for annulment of the decision of the Second Board of Appeal of OHIM of 20 January 2004 (Case R 367/2003-2) rejecting the application for registration as a Community trade mark of a three-dimensional sign in the form of a bottle.

**Operative part of the judgment**

The Court:

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

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<sup>(1)</sup> OJ C 168, 26.6.2004.

**Judgment of the Court of First Instance of 15 March 2006**  
— **Italian Republic v Commission**

(Case T-226/04) <sup>(1)</sup>

**(Action for annulment — Regulation (EC) No 316/2004 — Common organisation of the market in wine — Protection of traditional terms — Amendment of classification of certain additional traditional indications — Use in labelling of wine originating in third countries — Procedural defect — Principle of proportionality — TRIPs Agreement)**

(2006/C 108/36)

Language of the case: Italian

**Parties**

*Applicant:* Italian Republic (represented by: M. Fiorilli, avvocato dello Stato)

*Defendant:* Commission of the European Communities (represented by: N. Nolin and V. Di Bucci, acting as Agents)

**Re:**

Application for partial annulment of Commission Regulation (EC) No 316/2004 of 20 February 2004 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (OJ 2004 L 55, p. 16), in so far as it amends Articles 24, 36 and 37 of Commission Regulation No 753/2002 (OJ 2002 L 118, p. 1), concerning the protection of traditional terms

**Operative part of the judgment**

The Court:

1. *Dismisses the action.*
2. *Orders the Italian Republic to pay the costs.*

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<sup>(1)</sup> OJ C 179 of 10.7.2004

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**Judgment of the Court of First Instance of 8 March 2006**  
— **Lantzoni v Court of Justice**

(Case T-289/04) <sup>(1)</sup>

**(Officials — Promotion — Award of promotion points —  
Link to the staff report)**

(2006/C 108/37)

*Language of the case: French*

**Parties**

*Applicant:* Dimitra Lantzoni (represented by: C. Marhuenda initially and then by M. Bouche, lawyers)

*Defendant:* Court of Justice of the European Communities (represented by: M. Schauss, agent)

**Re:**

Application for annulment of the decision of the appointing authority of the Court of Justice of the European Communities of 7 October 2003 concerning the promotion points awarded to the applicant under the 1999-2000 procedure and the 2001 procedure

**Operative part of the judgment**

The Court:

1. *Dismisses the application as inadmissible in so far as it relates to the award of promotion points for the 1999-2000 procedure;*
2. *Dismisses the remainder of the application as unfounded;*
3. *Orders each party to bear its own costs.*

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<sup>(1)</sup> OJ C 262 of 23.10.2004.

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**Order of the Court of First Instance of 8 March 2006 —  
Service Station Veger v Commission**

(Case T-238/99) <sup>(1)</sup>

**(Application initiating proceedings — Procedural requirements — Action manifestly inadmissible)**

(2006/C 108/38)

*Language of the case: Dutch*

**Parties**

*Applicant:* Service station V/H J.P. Veger (Maria Hoop, the Netherlands) (represented by: P. Brouwers, lawyer)

*Defendant:* Commission of the European Communities (represented by: G. Rozet and H. Speyart initially, then G. Rozet and H. van Vliet, acting as Agents)

**Re:**

Application for annulment of Commission Decision 1999/705/EC of 20 July 1999 on the State aid implemented by the Netherlands for 633 Dutch service stations located near the German border (OJ 1999 L 280, p. 87)

**Operative part of the order**

1. *The application is dismissed.*
2. *The applicant is ordered to pay the costs.*

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<sup>(1)</sup> OJ C 6, 8.1.2000.

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**Order of the Court of First Instance of 17 February 2006**  
**Commission v Trends and Others**

(Case T-448/04) <sup>(1)</sup>

**(Arbitration clause — Plea of inadmissibility — Action against the partners of a company)**

(2006/C 108/39)

*Language of the case: Greek*

**Parties:**

*Applicant:* Commission of the European Communities (represented by: M. Patakia, acting as Agent, assisted by M. Bra, K. Kapoutzidou and S. Chatzigiannis, lawyers)