

Operative part of the judgment

The Court:

1. Annuls the decision of 9 April 2003 drawing up the definitive version of the applicant's career development report in respect of the period from 1 July 2001 to 31 December 2002;
2. Orders the Commission to pay the costs.

(¹) OJ C 190, 24.7.2004.

**Judgment of the Court of First Instance of 7 February 2007
— Gordon v Commission**

(Case T-175/04) (¹)

(Officials — Action for annulment — Career development report — Total and permanent invalidity — No longer any legal interest in bringing proceedings — No need to adjudicate — Actions for damages — Inadmissibility)

(2007/C 82/69)

Language of the case: English

Parties

Applicant: Donal Gordon (Brussels, Belgium) (represented by: initially M. Byrne, solicitor, and subsequently J. Sambon and P.-P. Van Gehuchten and P. Reyniers, lawyers)

Defendant: Commission of the European Communities (represented by: J. Currall and H. Krämer, Agents)

Re:

Action, first, for annulment of the decision of 11 December 2003 rejecting the complaint concerning the decision of 28 April 2003 confirming the applicant's career development report for the period from 1 July 2001 to 31 December 2002, and, secondly, for compensation for the damage suffered by the applicant.

Operative part of the judgment

The Court:

1. Declares that there is no longer any need to rule on the application for annulment;
2. Dismisses the action for damages as inadmissible;
3. Orders the parties to bear their own costs.

(¹) OJ C 179, 10.7.2004.

Judgment of the Court of First Instance of 15 February 2007 — Indorata-Serviços e Gestão v OHIM (HAIR-TRANSFER)

(Case T-204/04) (¹)

(‘Community trade mark — Application for Community trade mark HAIRTRANSFER — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94’)

(2007/C 82/70)

Language of the Case: German

Parties

Applicant: Indorata-Serviços e Gestão, Lda (Funchal, Portugal) (represented by T. Wallentin, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by J. Weberndörfer, agent)

Subject-matter

Appeal against the decision of the Second Board of Appeal of the OHIM of 1 April 2004 (Case R 435/2003-2) concerning an application for registration of the word mark HAIRTRANSFER as a Community trade mark.

Operative part

- 1) The appeal is dismissed.
- 2) Indorata-Serviços e Gestão, Lda is ordered to pay the costs.

(¹) JO C 217 du 28.8.2004.

**Judgment of the Court of First Instance of 6 February 2007
— Wunenberger v Commission**

(Joined Cases T-246/04 and T-71/05) (¹)

(Officials — Staff Reports — Reporting exercises 1997/1999 and 1999/2001 — Career development report — 2001/2002 appraisal procedure — Action for annulment — Admissibility — Action for damages — Rights of the defence)

(2007/C 82/71)

Language of the case: French

Parties

Applicant: Jacques Wunenberger (Zagreb, Croatia) (represented by: É. Boigelot, lawyer)

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

Re:

First, actions for annulment of the applicant's draft staff reports for the periods 1997/1999 and 1999/2001 and the applicant's Career Development Report for the 2001/2002 appraisal procedure and, second, claims for damages for the alleged harm.

Operative part of the judgment

The Court:

1. Annuls the decision of 11 September 2003 definitively approving the applicant's Career Development Report for the period 1 July 2001 to 21 December 2002;
2. Orders the Commission to pay the applicant the amount of EUR 2 500, in addition to the amount of EUR 2 500 already granted by the Appointing Authority, for the delay in drawing up the staff reports for the periods 1997/1999 and 1999/2001, and the symbolic amount of EUR 1 for the delay in drawing up the Career Development Report for the period 2001/2002;
3. Dismisses the remainder of the actions;
4. Orders the Commission to pay the costs.

(¹) OJ C 217, 28.8.2004.

Judgment of the Court of 13 February 2007 — Mundipharma v OHIM-Altana Pharma (RESPICUR)

(Case T-256/04 P) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark RESPICUR — Earlier national word mark RESPICORT — Relative grounds for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 — Proof of use of the earlier mark — Article 43(2) and (3) of Regulation No 40/94)

(2007/C 82/72)

Language of the case: German

Parties

Applicant: Mundipharma AG (Basle, Switzerland) (represented by F. Nielsen, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by B. Müller and subsequently by G. Schneider, Agents)

Other the other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: Altana Pharma AG (Konstanz, Germany) (H. Becker, lawyer)

Re:

Action for annulment against the decision of the Second Board of Appeal of OHIM of 19 April 2004 (Case R 1004/2002-2) relating to opposition proceedings involving Munidpharma AG and Altana Pharma AG.

Operative part of the judgment

The Court:

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 19 April 2004 (Case R 1004/2002-2);
2. Orders OHIM to bear its own costs and to pay those incurred by the applicant, except for those relating to the intervention;
3. Orders the applicant to bear its costs relating to the intervention;
4. Orders the intervener to bear its own costs.

(¹) OJ C 217, 28.8.2004.

Judgment of the Court of First Instance of 8 February 2007 — Boucek v Commission

(Case T-318/04) (¹)

(Officials — Open competition — Non-admission to written test — Tardy submission of application)

(2007/C 82/73)

Language of the case: German

Parties

Applicant: Vladimír Bouček (Prague, Czech Republic) (represented by: L. Kraftová, lawyer)

Defendant: Commission of the European Communities (represented by: G. Berscheid and H. Krämer)

Re:

Action for annulment of the decision of the selection board in open competition EPSO/A/2/03 refusing the applicant admittance to the written test of the competition on the ground that he had not submitted his complete application within the time-limit prescribed.