

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 25 October 2004 (Case R 513/2002-1), relating to opposition proceedings between Companhia Geral da Agricultura das Vinhas do Alto Douro, SA (Real Companhia Velha) and Bodegas Franco-Españolas, SA.

Operative part of the judgment

The Court:

1. *Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 25 October 2004 (Case R 513/2002-1);*
2. *Orders OHIM to pay the costs.*

(¹) OJ C 45, 19.2.2005.

Judgment of the Court of First Instance of 14 February 2007 — Seldis v Commission

(Case T-65/05) (¹)

(Officials — Probationary officials — Scientific or technical service — Appointment of a temporary agent following a competition — Classification in grade and step)

(2007/C 82/79)

Language of the case: French

Parties

Applicant: Thomas Seldis (Amsterdam, Netherlands) (represented by: S. Orlandi, X. Martin, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Defendant: Commission of the European Communities (represented by: V. Joris and K. Herrmann, Agents)

Re:

Action for annulment the Commission's decision of 5 April 2004 to appoint the applicant a probationary official in so far as it classifies him in grade A7, step 5.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the parties to bear their own costs.*

(¹) OJ C 106, 30.4.2005.

Judgment of the Court of First Instance of 8 February 2007 — Quelle v OHIM — Nars Cosmetics (NARS)

(Case T-88/05) (¹)

(Community trade mark — Opposition proceedings — Application for the figurative Community trade mark NARS — Earlier figurative national marks including the word element MARS — Relative ground for refusal — Likelihood of confusion — Absence of similarity between the signs — Article 8(1)(b) of Regulation (EC) No 40/94)

(2007/C 82/80)

Language of the case: English

Parties

Applicant: Quelle AG (Fürth, Germany) (represented by: H. Lindner, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: Nars Cosmetics, Inc. (New York, United States) (represented by: M. de Justo Bailey, lawyer)

Re:

Action for annulment of the decision of the Second Board of Appeal of OHIM of 17 December 2004 (Case R 379/2004-2) relating to opposition proceedings between Quelle AG and Nars Cosmetics, Inc.

Operative part of the judgment

The Court:

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

(⁽¹⁾) OJ C 155, 25.6.2005.

Judgment of the Court of First Instance of 7 February 2007 — Kustom Musical Amplification v OHIM (Shape of a guitar)

(Case T-317/05) (⁽¹⁾)

(Community trade mark — Three-dimensional mark — Shape of a guitar — Absolute ground for refusal — Infringement of the rights of the defence — Statement of reasons — Article 73 of Regulation (EC) No 40/94)

(2007/C 82/81)

Language of the case: English

Parties

Applicant: Kustom Musical Amplification Inc., (Cincinnati, Ohio, United States) (represented by: M. Edenborough, Barrister, and T. Bamford, Solicitor)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 7 June 2005 (Case R 1035/2004-2) concerning an application for registration of a three-dimensional mark in the shape of a guitar as a Community trade mark.

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 7 June 2005 (Case R 1035/2004-2);
2. Orders OHIM to bear its own costs and to pay those incurred by the applicant.

(⁽¹⁾) OJ C 271, 29.10.2005.

Order of the Court of First Instance of 25 January 2007 — Rijn Schelde Mondia France v Commission

(Case T-55/05) (⁽¹⁾)

(Action for annulment — Common Customs Tariff — Application for remission of import duties — Measure adversely affecting a person — Inadmissibility)

(2007/C 82/82)

Language of the case: French

Parties

Applicant: Rijn Schelde Mondia France SA (Rouen, France) (represented by: F. Citron, lawyer)

Defendant: Commission of the European Communities (represented by: X. Lewis and J. Hottiaux, acting as Agents)

Re:

Action for annulment of the Commission decision allegedly contained in the letter of 7 October 2004 concerning the application for remission of import duties (File REM 22/01).

Operative part of the order

1. The action is dismissed as inadmissible.
2. The applicant shall bear its own costs and pay those incurred by the Commission.

(⁽¹⁾) OJ C 93 of 16.4.2005.

Order of the President of the Court of First Instance of 29 January 2007 — Olimpiaki Aeroporia Ipiresies v Commission

(Case T-423/05 R)

(Interim measures — Suspension of operation — State aid — Urgency)

(2007/C 82/83)

Language of the case: Greek

Parties

Applicant: Olimpiaki Aeroporia Ipiresies AE (Athens, Greece) (represented by P. Anestis, S. Mavroghenis, S. Jordan, D. Geradin, lawyers, and T. Soames, Solicitor)

Defendant: Commission of the European Communities (represented by D. Triantafyllou and T. Scharf, acting as Agents)