

**Judgment of the Court of First Instance (Fifth Chamber) of
3 May 2007 — Tsarnavas v Commission**

(Case T-343/04) ⁽¹⁾

(Officials — Staff report — Invalidation — Action for annulment — Interest to bring proceedings — Action for damages — Inadmissibility)

(2007/C 140/34)

Language of the case: French

Parties

Applicant: Vassilios Tsarnavas (Volos, Greece) (represented by N. Lhoëst and B. d'Orléans, lawyers)

Defendant: Commission of the European Communities (represented by C. Berardis-Kayser and D. Martin, acting as Agents)

Re:

First, application for the annulment of the decision of the appeal assessor of 4 August 2003 establishing the definitive staff report in relation to the applicant for the period from 1 July 1997 to 30 June 1999 and, secondly, action for damages in respect of the non-pecuniary damage suffered by the applicant by reason of the late drawing up of his staff report and the moral harassment of which he was the victim.

Operative part of the judgment

The Court:

1. Declares that the decision of the appeal assessor of 4 August 2003 establishing the definitive staff report in relation to the applicant for the period from 1 July 1997 to 30 June 1999 is annulled;
2. Dismisses the action as to the remainder;
3. Orders the Commission to pay its own costs and one-half of the costs incurred by the applicant.

⁽¹⁾ OJ C 262, 23.10.2004

**Judgment of the Court of First Instance of 10 May 2007 —
Spain v Commission**

(Case T-99/05) ⁽¹⁾

(Fisheries — Regulation (EC) No 494/2002 — Conservation of the resources of the sea — Legal basis — Principle of non-discrimination — Obligation to state reasons)

(2007/C 140/35)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: N. Díaz Abad, Agent)

Defendant: Commission of the European Communities (represented by: T. van Rijn, F. Jimeno Fernández and S. Pardo Quintillán, Agents)

Re:

Action for annulment of Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e (OJ 2002 L 77, p. 8)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Kingdom of Spain to bear its own costs and to pay those of the Commission.

⁽¹⁾ OJ C 144, 15.6.2002 (formerly Case C-165/02).

**Judgment of the Court of First Instance of 15 May 2007 —
Black & Decker v OHIM — Atlas Copco (Three-dimensional representations of two yellow and black electric power tools)**

(Joined Cases T-239/05, T-240/05, T-245/05 to T-247/05, T-255/05, T-274/05 to T-280/05) ⁽¹⁾

(Community trade mark — Opposition proceedings — Opposition period — Transmission by telecopier — Admissibility — Clear identification of the earlier trade mark — Rule 18 (1) of Regulation (EC) No 2868/95)

(2007/C 140/36)

Language of the case: English

Parties

Applicant: Black & Decker (Towson, Maryland, United States) (represented by: H. Carr QC and P. Harris Solicitor)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Atlas Copco AB (Stockholm, Sweden) (represented by: R. Meade, Barrister, and M. Gilbert, Solicitor)

Re:

Thirteen actions brought against the decisions of the First Board of Appeal of OHIM of 19 April 2005 (R 727/2004-1, R 729/2004-1, R 723/2004-1, R 730/2004-1 and R 724/2004-1), of 27 April 2005 (R 722/2004-1) and of 3 May 2005 (R 788/2004-1, R 789/2004-1, R 790/2004-1, R 791/2004-1, R 792/2004-1, R 793/2004-1 and R 794/2004-1), relating to opposition proceedings between Atlas Copco AB and The Black & Decker Corporation.

Operative part of the judgment

The Court:

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

(¹) OJ C 205, 20.8.2005.

Judgment of the Court of First Instance of 10 May 2007 — Antartica v OHIM — Nasdaq Stock Market (nasdaq)

(Case T-47/06) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark nasdaq — Earlier Community word mark NASDAQ — Relative ground for refusal — Reputation — Article 8(5) of Regulation (EC) No 40/94)

(2007/C 140/37)

Language of the case: English

Parties

Applicant: Antartica Srl (Rome, Italy) (represented by: E. Racca, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: The Nasdaq Stock

Market, Inc. (Washington DC, United States) (represented by: J. van Manen and J. Hofhuis, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of OHIM of 7 December 2005 (Case R 752/2004-2), relating to opposition proceedings between The Nasdaq Stock Market, Inc. and Antartica Srl.

Operative part of the judgment

The Court:

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

(¹) OJ C 74, 25.3.2006.

Order of the Court of First Instance of 23 April 2007 — SID v Commission

(Case T-30/03) (¹)

(State aid — Decision not to raise objections — Action for annulment — Admissibility — Concept of party concerned — Trade union)

(2007/C 140/38)

Language of the case: English

Parties

Applicant: Specialarbejderforbundet i Danmark (SID) (Copenhagen, Denmark) (represented by: P. Bentley QC, A. Worsøe and F. Ragolle, Lawyers)

Defendant: Commission of the European Communities (represented by: initially H. van Vliet, then N. Khan, Agents)

supported by: Kingdom of Denmark (represented by: J. Molde, Agent) and Kingdom of Norway (represented by: I. Høyland, Agent)

Re:

Annulment of Commission Decision C (2002) 4370 final of 13 November 2002 not to raise objections to the Danish tax measures applicable to seafarers on board vessels registered in the Danish international register