

**Judgment of the Court of First Instance of 6 June 2007 —
Parlante v Commission**

(Case T-432/04) ⁽¹⁾

(Staff case — Officials — Promotion — Promotions procedure 2003 — Refusal of promotion — Award of promotion points — Consideration of comparative merits — Equal treatment — General implementing provisions of Article 45 of the Staff Regulations — Plea of illegality — Legitimate expectations)

(2007/C 170/38)

Language of the case: French

Parties

Applicant: Walter Parlante (Enghien, Belgium) (represented by: L. Vogel, lawyer)

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

Re:

Application for annulment of (1) the Appointing Authority's decision of 5 July 2004 rejecting the applicant's complaint against that same authority's decision to refuse him promotion to Grade C1 under the 2003 procedure and (2), in so far as it is necessary, the decision which was the subject of that complaint.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 6, 8.1.2005.

**Judgment of the Court of First Instance of 6 June 2007 —
Davi v Commission**

(Case T-433/04) ⁽¹⁾

(Staff cases — Officials — Promotion — 2003 Promotion procedure — Decision not to promote — Award of promotion points — Consideration of the comparative merits — Equal treatment — General provisions for implementing Article 45 of the Staff Regulations — Plea of illegality — Legitimate expectations)

(2007/C 170/39)

Language of the case: French

Parties

Applicant: Angela Davi (Brussels, Belgium) (represented by: L. Vogel, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall, initially, and subsequently by C. Berardis-Kayser and M. Velardo, acting as Agents)

Re:

Application for annulment, first, of the Appointing Authority's decision of 2 July 2004 rejecting the applicant's complaint against that authority's decision not to promote her to Grade C2 for the 2003 promotion procedure and, secondly, in so far as necessary, of the original decision which was the subject of that complaint.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 6, 8.1.2005.

**Judgment of the Court of First Instance of 6 June 2007 —
Walderdorff v Commission**

(Case T-442/04) ⁽¹⁾

(Staff cases — Officials — Promotion — 2003 Promotion procedure — Decision not to promote — Award of promotion points — Consideration of the comparative merits — Equal treatment — General provisions for implementing Article 45 of the Staff Regulations — Plea of illegality — Legitimate expectations)

(2007/C 170/40)

Language of the case: French

Parties

Applicant: Andrea Walderdorff (Brussels, Belgium) (represented by: L. Vogel, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall, initially, and subsequently by G. Berscheid and M. Velardo, acting as Agents)

Re:

Application for annulment, first, of the Appointing Authority's decision of 19 July 2004 rejecting the applicant's complaint against that authority's decision not to promote her to Grade A4 for the 2003 promotion procedure and, secondly, in so far as necessary, of the original decision which was the subject of that complaint.

Operative part of the judgment

The Court:

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

(¹) OJ C 6, 8.1.2005.

Judgment of the Court of First Instance of 12 June 2007 — Assembled Investments (Proprietary) v OHIM — Waterford Wedgwood (WATERFORD STELLENBOSCH)

(Case T-105/05) (¹)

(Community trade mark — Opposition proceedings — Application for the figurative Community mark WATERFORD STELLENBOSCH — Earlier Community word mark WATERFORD — Relative ground for refusal — No likelihood of confusion — Absence of similarity between the goods — Absence of complementarity — Article 8(1)(b) of Regulation (EC) No 40/94)

(2007/C 170/41)

Language of the case: English

Parties

Applicant: Assembled Investments (Proprietary) Ltd (Stellenbosch, South Africa) (represented by: P. Hagmann and S. Ziegler, Lawyers)

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, intervener before the Court of First Instance: Waterford Wedgwood plc (Waterford, Ireland) (represented by: K. Manhaeve, Lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 15 December 2004 (Case R 240/2004-1) relating to opposition proceedings between Waterford Wedgwood and Assembled Investments (Proprietary) Ltd.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of OHIM of 15 December 2004 (Case R 240/2004-1);

2. Orders the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Waterford Wedgwood plc to pay, in addition to their own costs, the costs incurred by the applicant.

(¹) OJ C 115, 14.5.2005.

Judgment of the Court of First Instance of 13 June 2007 — Grether v OHIM — Crisgo (FENNEL)

(Case T-167/05) (¹)

(Community trade mark — Opposition proceedings — Application for the figurative Community trade mark FENNEL — Earlier Community word mark FENJAL — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b), Article 73, second sentence, and Article 74(1) of Regulation (EC) No 40/94)

(2007/C 170/42)

Language of the case: English

Parties

Applicant: Grether AG (Binningen, Switzerland) (represented by: initially, V. von Bomhard, A. Pohlmann and A. Renck, and subsequently, V. von Bomhard, A. Pohlmann and T. Dolde, lawyers)

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: Crisgo (Thailand) Co. Ltd (Samutsakom, Thailand) (represented by: A. Bensoussan, M. Haas and L. Tellier-Loniewski, lawyers)

Re:

Action brought against the decision of the Fourth Chamber of the Board of Appeal of OHIM of 14 October 2004 (Case R 250/2002-4) concerning opposition proceedings between Grether AG and Crisgo (Thailand) Co. Ltd.

Operative part of the judgment

The Court:

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

(¹) OJ C 182, 23.7.2005.