

## JUDGMENT OF THE COURT OF FIRST INSTANCE

of 23 September 2003

**in Case T-308/01: Henkel KGaA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) <sup>(1)</sup>**

*(Community trade mark — Regulation (EC) No 40/94 and Regulation (EC) No 2868/95 — Opposition procedure — Genuine use of earlier mark — Scope of the examination conducted by the Board of Appeal — Assessment of the evidence produced in the procedure before the Opposition Division)*

(2003/C 304/46)

*(Language of the case: English)*

In Case T-308/01, Henkel KGaA, established in Düsseldorf (Germany), represented by C. Osterrieth, lawyer, with an address for service in Luxembourg, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agent: O. Waelbroeck), the other party to the proceedings before the Office for Harmonisation in the Internal Market (Trade Marks and Designs) being: LHS (UK) Ltd, established in Cheadle Hulme (United Kingdom): Appeal against the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 September 2001 (Case R-738/2000-3) concerning opposition proceedings between Henkel KGaA and LHS (UK) Ltd, the Court of First Instance (Second Chamber), composed of: N.J. Forwood, President, J. Pirrung and A.W.H. Meij, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 23 September 2003, in which it:

1. *Annuls the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 September 2001 (Case R-738/2000-3);*
2. *Orders the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to pay the costs.*

<sup>(1)</sup> OJ C 68 of 16.3.2002.

## JUDGMENT OF THE COURT OF FIRST INSTANCE

of 14 October 2003

**in Case T-174/02: Micole Wieme v Commission of the European Communities <sup>(1)</sup>**

*(Officials — Vacancy notice — Assessment of the candidates' merits — Manifest error of assessment — Abuse of power)*

(2003/C 304/47)

*(Language of the case: French)*

In Case T-174/02: Micole Wieme, an official of the Commission of the European Communities, represented by É. Boigelot, lawyer, with an address for service in Luxembourg, against Commission of the European Communities (Agents: J. Currall, H. Tserépa-Lacombe and D. Waelbroeck) — application for annulment of the Commission Decision of 13 July 2001 rejecting the applicant's application for the post of head of unit 'Legal affairs and control of enforcement of Community provisions' of the 'General Matters' Directorate of the Taxation and Customs Union Directorate General — the Court of First Instance (Fifth Chamber), composed of R. García-Valdecasas, President, P. Lindh and J.D. Cooke, Judges; J. Palacio González, Principal Administrator, for the Registrar, has given a judgment on 14 October 2003, in which it:

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

<sup>(1)</sup> OJ C 180 of 27.7.2002.

## JUDGMENT OF THE COURT OF FIRST INSTANCE

of 18 September 2003

**in Case T-241/02: Daniel Callebaut v Commission of the European Communities <sup>(1)</sup>**

*(Officials — Article 45 of the Staff Regulations — Promotion — Comparative examination of merits)*

(2003/C 304/48)

*(Language of the case: French)*

In Case T-241/02: Daniel Callebaut, an official of the European Communities, residing in Mondorf-les-Bains (Luxembourg), represented by A. Coolen, J.-N. Louis and É. Marchal, lawyers,