

Judgment of the Court of First Instance of 23 February 2006 — Il Ponte Finanziaria v OHIM

(Case T-194/03) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark composed of the word ‘Bainbridge’ — Earlier national, figurative three-dimensional and word marks including the word ‘Bridge’ — Proof of use — Use in a different form — ‘Defensive’ trade marks — Family of trade marks)

(2006/C 96/19)

Language of the case: Italian

Parties:

Applicant: Il Ponte Finanziaria (Scandicci, Italy) (represented by: P.L. Roncaglia, A. Torrigiani Malaspina and M. Boletto, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: M. Buffolo and O. Montalto, agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Marine Enterprise Projects — Società Unipersonale di Alberto Fiorenzi Srl (Numana, Italy) (represented by: D. Marchi, lawyer)

Action

brought against the decision of the Fourth Board of Appeal of OHIM of 17 March 2003 (Case R 1015/2001-4) relating to opposition proceedings between Il Ponte Finanziaria SpA and Marine Enterprise Projects — Società Unipersonale di Alberto Fiorenzi Srl

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ 2003 C 184.

Judgment of the Court of First Instance of 21 February 2006 — V v Commission

(Joined Cases T-200/03 and T-313/03) ⁽¹⁾

(Officials — Dismissal for incompetence — Article 51 of the Staff Regulations — Manifest error of assessment — Misuse of power — Duty to have regard for the welfare of officials — Rights of the defence — Proportionality — Equality of treatment — Statement of reasons — Staff report — Admissibility — Legal interest in bringing proceedings)

(2006/C 96/20)

Language of the case: French

Parties

Applicant: V (Overijse, Belgium) (represented by: C. Mourato, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall, Agent)

Application for

Firstly, annulment of the appointing authority's decision to dismiss the applicant for incompetence and, secondly, annulment of the applicant's staff report for the 1999/2001 period

Operative part of the judgment

The Court:

1. Dismisses actions T-200/03 and T-313/03;
2. Orders each party to bear the costs it incurred during these proceedings and during the interlocutory proceedings.

⁽¹⁾ OJ C 200, 23.8.2003.

Judgment of the Court of First Instance of 22 February 2006 — Nestlé v OHIM

(Case T-74/04) ⁽¹⁾

(Community trade mark — Opposition procedure — Application for Community figurative trade mark including the word element ‘QUICKY’ — Earlier Community, national and international figurative trade marks including the word element ‘QUICK’ — Earlier national and international word marks ‘QUICK’ — Earlier national word marks ‘QUICKIES’ — Likelihood of confusion — Refusal to register — Article 8(1)(b) of Regulation (EC) No 40/94)

(2006/C 96/21)

Language of the case: French

Parties:

Applicant: Société des produits Nestlé SA (Vevey, Switzerland) (represented by: J. Evrard and P. Péters, lawyers)

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

Other party or parties to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Quick restaurants SA (Brussels, Belgium) (represented by: É. De Gryse and D. Moreau, lawyers)

Action

brought against the decision of the Second Board of Appeal of OHIM of 17 December 2003 (Case R 922/2001-2) regarding opposition proceedings between Société des Produits Nestlé SA and Quick restaurants SA

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders the applicant to pay the costs in their entirety.*

(¹) OJ C 94, 17.4.2004.

Judgment of the Court of First Instance of 22 February 2006 — Adam v Commission

(Case T-342/04) (¹)

(Officials — Remuneration — Expatriation allowance — Article 4(1)(a) of Annex VII to the Staff Regulations — Definition of 'services carried out for another State')

(2006/C 96/22)

Language of the case: French

Parties

Applicant: Herta Adam (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Defendant: Commission of the European Communities (represented by: J. Currall and L. Lozano Palacios, Agents)

Application for

Annulment of the Commission's decision of 2 September 2003 refusing the applicant the benefit of the expatriation allowance provided for by Article 4 of Annex VII to the Staff Regulations of officials of the European Communities

Operative part of the judgment

The Court:

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

(¹) OJ C 262, 23.10.2004.

Judgment of the Court of First Instance of 22 February 2006 — Standertskjöld-Nordenstam and Heyraud v Commission

(Joined Cases T-437/04 and T-441/04) (¹)

(Officials — 'Second round' promotion — 2003 promotion procedure — Failure to include on the list of the officials selected for promotion to Grade A3 — Breach of Article 45 of the Staff Regulations and of the principle of equal treatment)

(2006/C 96/23)

Language of the case: French

Parties

Applicants: Holger Standertskjöld-Nordenstam (Waterloo, Belgium) (represented by: T. Demaseure, lawyer) and Jean-Claude Heyraud (Brussels, Belgium) (represented by S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

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

Application for

Annulment of the Commission's decision not to include the applicants' names on the list of the officials selected for promotion to Grade A3 in the 'second round' of the 2003 promotion procedure

Operative part of the judgment

The Court:

1. *joins Cases T-437/04 and T-441/04 for the purposes of the judgment;*
2. *annuls the decisions of the Commission not to include the applicants' names on the list of the officials selected for promotion to Grade A3 in the 'second round' of the 2003 promotion procedure;*
3. *orders the Commission to pay the costs.*

(¹) OJ C 6, 8.1.2005.