

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 17 December 2003****in Case T-133/02: Pravir Kumar Chawdhry v Commission of the European Communities** ⁽¹⁾**(Member of the temporary staff — Post paid from appropriations to the research budget — Grading)**

(2004/C 71/44)

(Language of the case: French)

In Case T-133/02: Pravir Kumar Chawdhry, a member of the temporary staff of the Commission of the European Communities, residing in Sangiano (Italy), represented by G. Vandersanden and L. Levi, lawyers, with an address for service in Luxembourg, against Commission of the European Communities (Agents: J. Currall and V. Joris) — application for, first, annulment of the Commission's decision grading the applicant in Grade A 6, Step 3, and, secondly, compensation in respect of harm suffered — the Court of First Instance (Single Judge: J. Pirrung); J. Plingers, Administrator, acting for the Registrar, has given a judgment on 17 December 2003, in which it:

1. *dismisses the application;*
2. *orders the Commission to bear its own costs and to pay a quarter of the applicant's costs;*
3. *orders the applicant to bear three quarters of his own costs.*

⁽¹⁾ OJ C 156 of 29.6.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 10 December 2003****in Case T-173/02: Pierre Tomarchio v Commission of the European Communities** ⁽¹⁾**(Officials — Grading — Rejection of an application for regrading under Article 31(2) of the Staff Regulations)**

(2004/C 71/45)

(Language of the case: French)

In Case T-173/02: Pierre Tomarchio, a former official of the Commission of the European Communities, residing in Nancy

(France), represented by N. Lhoëst, lawyer, with an address for service in Luxembourg, against Commission of the European Communities (Agents: J. Currall and F. Clotuche-Duvieusart) — application for annulment of the Commission's decision rejecting the applicant's application for regrading in the higher grade of his career bracket of recruitment — the Court of First Instance (Single Judge: H. Legal); I. Natsinas, Administrator, acting for the Registrar, has given a judgment on 10 December 2003, in which it:

1. *annuls the Commission's decision of 27 July 2001 rejecting the applicant's application for regrading in the higher grade of his career bracket of recruitment;*
2. *orders the Commission to pay all the costs.*

⁽¹⁾ OJ C 219 of 14.9.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 3 December 2003****in Case T-305/02: Nestlé Waters France v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)** ⁽¹⁾**(Community trade mark — Three-dimensional mark — Shape of a bottle — Absolute grounds for refusal — Distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)**

(2004/C 71/46)

(Language of the case: French)

In Case T-305/02, Nestlé Waters France, established in Issy-les-Moulineaux (France), represented by A. Cléry, avocat, v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: A. Rassat and O. Waelbroeck): Application for annulment of the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 July 2002 (Case R 719/2000-4) refusing to register a three-dimensional trade mark consisting of the shape of a transparent bottle, the Court of First Instance (Fourth Chamber), composed of: V. Tiili, President, P. Mengozzi and M. Vilaras, Judges; B. Pastor, Deputy Registrar, has given a judgment on 3 December 2003, in which it:

1. *Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 12 July 2002 (Case R 719/2000-4);*
2. *Orders the defendant to pay the costs.*

(¹) OJ C 305 of 7.12.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 11 December 2003

in Case T-323/02: Monique Breton v Court of Justice of the European Communities (¹)

(Officials — Promotion — Award of promotion points — Admissibility)

(2004/C 71/47)

(Language of the case: French)

In Case T-323/02: Monique Breton, an official of the Court of Justice of the European Communities, residing at Howald (Luxembourg), represented by A. Coolen, J.-N. Louis, É. Marchal and S. Orlandi, lawyers, with an address for service in Luxembourg, against Court of Justice of the European Communities (Agent: M. Schauss) — application for annulment of the decision of the Court of Justice concerning the award to the applicant of promotion points for the years 1998, 1999 and 2000 pursuant to the Court's decision of 18 October 2000 on promotions and the decision of the Registrar of the Court of 3 December 2001 establishing a transitional system for promotions — the Court of First Instance (Third Chamber), composed of: J. Azizi, President, and M. Jaeger and F. Dehousse, Judges; J. Plingers, Administrator, acting for the Registrar, has given a judgment on 11 December 2003, in which it:

1. *dismisses the application;*
2. *orders the parties to bear their own costs.*

(¹) OJ C 7 of 11.1.2003.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 17 December 2003

in Case T-324/02: Hans McAuley v Council of the European Union (¹)

(Compliance with a judgment of the Court of First Instance — Appointment of a Language Adviser in the English and Irish Language — Division of the Council Termination of the procedure for filling the post under Article 29(1)(a) of the Staff Regulations — Misuse of powers — Action for compensation)

(2004/C 71/48)

(Language of the case: French)

In Case T-324/02: Hans McAuley, an official of the Council of the European Union, residing in Brussels (Belgium), represented by J.-N. Louis and S. Orlandi, lawyers, with an address for service in Luxembourg, against the Council of the European Union (Agent: F. Anton) — application for, first, annulment of the decision contained in the letter of 30 January 2002 of the Director General of Directorate General A of the Council to terminate the procedure under Article 29(1)(a) of the Staff Regulations for filling the post of Language Adviser in the English and Irish Language Division and to proceed to the next stage, namely the organisation of an internal competition under Article 29(1)(b) of the Staff Regulations, and, second, for compensation — the Court of First Instance (Fourth Chamber), composed of V. Tiili, President, P. Mengozzi and M. Vilaras, Judges; I. Natsinas, Administrator, for the Registrar, gave a judgment on 17 December 2003, in which it:

1. *Annuls the decision contained in the letter of 30 January 2002 of the Director General of Directorate General A of the Council to terminate the procedure under Article 29(1)(a) of the Staff Regulations for filling the post of Language Adviser in the English and Irish Language Division and to proceed to the next stage, namely the organisation of an internal competition under Article 29(1)(b) of the Staff Regulations.*
2. *Dismisses the applicant's application for compensation.*
3. *Orders the Council to pay the costs.*

(¹) OJ No C 7 of 11.1.2003.