

JUDGMENT OF THE COURT OF FIRST INSTANCE

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of 8 June 2005

of 7 June 2005

in Case T-315/03 Hans-Peter Wilfer v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) ⁽¹⁾

in Case T-316/03, Münchener Rückversicherungs-Gesellschaft AG v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) ⁽¹⁾

(Community trade mark — Word mark ROCKBASS — Absolute grounds for refusal — Article 7(1)(c) of Regulation (EC) No 40/94 — Examination of the facts by the Board of Appeal of its own motion — Failure to take into account evidence produced by the applicant — Article 74(1) and (2) of Regulation (EC) No 40/94)

(Community trade mark — Word mark MunichFinancialServices — Absolute ground of refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94)

(2005/C 193/42)

(2005/C 193/43)

*(Language of the case: German)**(Language of the case: German)*

In Case T-315/03: Hans-Peter Wilfer, resident in Markneukirchen (Germany), represented by A. Kockläuner, lawyer, against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: D. Schennen and G. Schneider) — action against the decision of the First Board of Appeal of OHIM of 11 July 2003 in Case R 266/2002-1 concerning registration of the word sign ROCKBASS as a Community trade mark — the Court of First Instance (Fourth Chamber), composed of H. Legal, President, P. Lindh and V. Vadapalas, Judges; I. Natsinas, Administrator, for the Registrar, gave a judgment on 8 June 2005, in which it:

1. Dismisses the action;
2. Orders the applicant to pay three-quarters of its own costs and three-quarters of the costs incurred by OHIM;
3. Orders OHIM to pay one quarter of its own costs and one quarter of the costs incurred by the applicant.

⁽¹⁾ OJ C 289 of 29.11.2003.

In Case T-316/03: Münchener Rückversicherungs-Gesellschaft AG, established in Munich (Germany), represented by G. Württenberger and R. Kunze, lawyers, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: D. Schennen and G. Schneider) — Action brought against the decision of the Fourth Board of Appeal of OHIM of 26 June 2003 (Case R 337/2002-4), regarding an application for registration of the Community word mark MunichFinancialServices — the Court of First Instance (Fifth Chamber), composed of M. Vilaras, President, M. E. Martins Ribeiro and K. Jürimäe, Judges; C. Kristensen, Administrator, for the Registrar, gave a judgment on 7 June 2005, in which it:

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

⁽¹⁾ OJ C 289 of 29.11.2003.