

**Judgment of the Court of First Instance of 3 May 2006 —  
Eurohypo v OHIM (EUROHYPO)**

(Case T-439/04) <sup>(1)</sup>

*(Community trade mark — Word mark EUROHYPO — Absolute grounds for refusal — Article 7(1)(b) of Regulation (EC) No 40/94 — Examination of the facts by the Board of Appeal of its own motion — Article 74(1) of Regulation No 40/94 — Admissibility of facts submitted for the first time before the Court of First Instance)*

(2006/C 154/42)

*Language of the case: German*

**Parties**

*Applicant:* Eurohypo AG (Eschborn, Germany) (represented by: M.Kloth and C.Rohnke, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. von Mühlendahl and J. Weberndörfer, acting as Agents)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 6 August 2004 (Case R 829/2002-4) concerning the registration of the word mark EUROHYPO as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action.
2. Orders the applicant to pay the costs.

<sup>(1)</sup> OJ C 45, 19.2.2005

**Order of the Court of First Instance of 25 April 2006 —  
Kreuzer Medien v Parliament and Council**

(Case T-310/03) <sup>(1)</sup>

*(Action for annulment — Directive 2003/33/EC — Natural or legal persons — Standing to bring proceedings — Inadmissibility)*

(2006/C 154/43)

*Language of the case: German*

**Parties**

*Applicant:* Kreuzer Medien GmbH (Leipzig, Germany) (represented: initially by U. Kornmeier and D. Valbert, and subsequently by M. Lenz, lawyers)

*Defendants:* European Parliament (represented by: E. Waldherr and U. Rösslein, Agents) and Council of the European Union (represented by: E. Karlsson, Agent)

*Intervener in support of the applicant:* Falstaff Verlags-Gesellschaft mbH (Klosterneuburg, Austria) (represented by: W.-G. Schärf, lawyer)

*Interveners in support of the defendants:* Commission of the European Communities (represented by: M.-J. Jonczy, L. Pignataro-Nolin and F. Hoffmeister, Agents), Kingdom of Spain (represented by: L. Fraguas Gadea, Agent) and Republic of Finland (A. Guimaraes-Purokoski, T. Pynnä and E. Bygglin, Agents)

**Re:**

Application for annulment of the wording of Article 3(1) of Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (OJ 2003 L 152, p. 16)

**Operative part of the order**

1. The action is dismissed as inadmissible.
2. The applicant shall bear its own costs and pay those incurred by the Parliament and the Council.
3. The Kingdom of Spain and the Commission shall bear their own costs, including those relating to the application for interim measures before the Court of First Instance.
4. The Republic of Finland shall bear its own costs.