

Operative part of the judgment

The Court:

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

(¹) OJ C 155, 25.6.2005.

Judgment of the Court of First Instance of 7 February 2007 — Kustom Musical Amplification v OHIM (Shape of a guitar)

(Case T-317/05) (¹)

(Community trade mark — Three-dimensional mark — Shape of a guitar — Absolute ground for refusal — Infringement of the rights of the defence — Statement of reasons — Article 73 of Regulation (EC) No 40/94)

(2007/C 82/81)

Language of the case: English

Parties

Applicant: Kustom Musical Amplification Inc., (Cincinnati, Ohio, United States) (represented by: M. Edenborough, Barrister, and T. Bamford, Solicitor)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 7 June 2005 (Case R 1035/2004-2) concerning an application for registration of a three-dimensional mark in the shape of a guitar as a Community trade mark.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 7 June 2005 (Case R 1035/2004-2);
2. Orders OHIM to bear its own costs and to pay those incurred by the applicant.

(¹) OJ C 271, 29.10.2005.

Order of the Court of First Instance of 25 January 2007 — Rijn Schelde Mondia France v Commission

(Case T-55/05) (¹)

(Action for annulment — Common Customs Tariff — Application for remission of import duties — Measure adversely affecting a person — Inadmissibility)

(2007/C 82/82)

Language of the case: French

Parties

Applicant: Rijn Schelde Mondia France SA (Rouen, France) (represented by: F. Citron, lawyer)

Defendant: Commission of the European Communities (represented by: X. Lewis and J. Hottiaux, acting as Agents)

Re:

Action for annulment of the Commission decision allegedly contained in the letter of 7 October 2004 concerning the application for remission of import duties (File REM 22/01).

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 Commission.

(¹) OJ C 93 of 16.4.2005.

Order of the President of the Court of First Instance of 29 January 2007 — Olimpiaki Aeroporia Ipiresies v Commission

(Case T-423/05 R)

(Interim measures — Suspension of operation — State aid — Urgency)

(2007/C 82/83)

Language of the case: Greek

Parties

Applicant: Olimpiaki Aeroporia Ipiresies AE (Athens, Greece) (represented by P. Anestis, S. Mavroghenis, S. Jordan, D. Geradin, lawyers, and T. Soames, Solicitor)

Defendant: Commission of the European Communities (represented by D. Triantafyllou and T. Scharf, acting as Agents)