

Action brought on 2 March 2007 — Agencja Wydawnicza Technopol v OHIM — ('150')

(Case T-66/07)

(2007/C 95/104)

Language of the case: Polish

Parties

Applicant: Agencja Wydawnicza Technopol, Sp. z o. o. (Częstochowa, Republic of Poland) (represented by: D. Rzażewska, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Form of order sought

- set aside in its entirety the decision delivered on 21 December 2006 by the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) in Case No R 1035/2006-4;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

Community trade mark concerned: word mark '150' for goods in Class 16

Decision of the Examiner: registration refused

Decision of the Board of Appeal: appeal dismissed

Pleas in law: incorrect application of the provisions of Article 7(1)(b) and (c) of Regulation No 40/94 on the Community trade mark ⁽¹⁾, inasmuch as, according to the applicant, the designation '150', in relation to the goods indicated, is neither descriptive nor devoid of distinctive character.

⁽¹⁾ Council Regulation (EC) No 40/94 of 20 December 1993 (OJ 1994 L 11, p. 1).

Action brought on 2 March 2007 — Ford Motor v OHIM (FUN)

(Case T-67/07)

(2007/C 95/105)

Language of the case: German

Parties

Applicant(s): Ford Motor Company (Dearborn, Michigan, USA) (represented by R. Ingerl, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought

- set aside the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 20 December 2006 (Case R 1135/2006-2)
- order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Word mark 'FUN' for goods and services in Class 12 (Application No 4 509 808).

Decision of the Examiner: Refusal of the application.

Decision of the Board of Appeal: Dismissal of the appeal and refusal of the application.

Pleas in law:

- infringement of Article 7(1)(c) of Regulation (EC) No 40/94 ⁽¹⁾ by reason of the incorrect application of the absolute ground for refusal regarding the indication of the characteristics of the goods to words forming part of the general vocabulary which are not directly descriptive,
- infringement of Article 7(1)(b) of Regulation No 40/94 by accepting that the mark was devoid of any descriptive character by reason only of the improper application of Article 7(1)(c) of Regulation No 40/94, and
- infringement of Article 7(1)(b) of Regulation No 40/94 on the ground that the mark applied for was sufficiently distinctive.

⁽¹⁾ Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).

Action brought on 26 February 2007 — Cantieri Navali Termoli v Commission

(Case T-70/07)

(2007/C 95/106)

Language of the case: Italian

Parties

Applicant: Cantieri Navali Termoli SpA (Termoli, Italy) (represented by: B. Daniela Mammarella, lawyer)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Court should:

- annul the decision;
- order the defendant to pay all costs and fees incurred in the proceedings.