

Operative part of the judgment

The Court:

1. orders removal of CRIE SA from the list of applicants;
2. dismisses the action;
3. orders Union française de l'express (UFEX), DHL Express (France) SAS, and Federal express international (France) SNC to pay, in addition to their own costs, three quarters of the costs of Chronopost SA and La Poste, Chronopost SA and La Poste to bear one quarter of their own costs; orders CRIE to pay, in addition to its own costs, one quarter of the costs of the Commission, the Commission to bear three quarters of its own costs.

(¹) OJ C 93 of 16.4.2005.

Judgment of the Court of First Instance of 12 September 2007 — Hellenic Republic v Commission

(Case T-243/05) (¹)

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Arable crops — Olive oil — Financial audit — Period of 24 months)

(2007/C 247/49)

Language of the case: Greek

Parties

Applicant: Hellenic Republic, (represented by G. Kanellopoulos and E. Svolopoulou, agents)

Defendant: Commission of the European Communities, (represented by H. Tserepa-Lacombe and L. Visaggio, agents, assisted by N. Korogiannakis, lawyer)

Re:

Action for annulment of the Commission Decision of 29 April 2005 excluding from Community financing certain expenditure by the Member States under the European Agricultural Guarantee and Guidance Funds (EAGGF), Guarantee section (OJ 2005 L 112, p. 14), in so far as it excludes certain expenditure by Greece in the sectors of arable crops and olive oil and in the matter of financial audit.

Operative part of the judgment

The Court:

1. Annuls Commission Decision 2005/354/EC of 29 April 2005 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European

Agricultural Guidance and Guarantee Fund (EAGGF) in so far as it imposes a specific adjustment on the Hellenic Republic of EUR 200 146,68 for the financial years of 1996 to 1998 (consumption aid for olive oil);

2. Dismisses the remainder of the action;

3. Orders the Hellenic Republic to bear its own costs and to pay 70 % of those incurred by the Commission, which shall bear 30 % of its own costs.

(¹) OJ C 205, 20.8.2005.

Judgment of the Court of First Instance of 12 September 2007 — Cain Cellars, Inc. v OHIM (Device of a pentagon)

(Case T-304/05) (¹)

(Community trade mark — Application for a figurative Community trade mark consisting of the device of a pentagon — Absolute ground for refusal — Absence of distinctive character — Simplicity of the sign)

(2007/C 247/50)

Language of the case: German

Parties

Applicant: Cain Cellars, Inc. (St. Helena, California, United States) (represented by: J. Albrecht and W.-W. Wodrich, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Weberndörfer and G. Schneider, Agents)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 23 May 2005 (Case R 975/2004-1) concerning the registration of the device of a pentagon as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Cain Cellars, Inc. to pay the costs.

(¹) OJ C 257 of 15.10.2005.