

Operative part of the judgment

The Court:

1. *Annuls Commission Decision C(2002) 5087 final of 17 December 2002 relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars) with regard to Ferriere Nord SpA;*
2. *Orders the Commission to bear its own costs and to pay those incurred by Ferriere Nord;*
3. *Orders the Italian Republic to bear its own costs.*

(¹) OJ C 112, 10.5.2003.

Judgment of the Court of First Instance of 18 October 2007 — AMS v OHIM — American Medical Systems (AMS Advanced Medical Services)

(Case T-425/03) (¹)

(Community trade mark — Opposition proceedings — Application for the Community trade mark AMS Advanced Medical Services — Earlier national word mark AMS — Absolute ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 — Request for proof of genuine use made for the first time before the Board of Appeal — Article 43(2) and (3) of Regulation No 40/94)

(2007/C 297/77)

Language of the case: German

Parties

Applicant: AMS Advanced Medical Services GmbH (Mannheim, Germany) (represented by: G. Lindhofer initially, and subsequently by G. Lindhofer and S. Schäffler, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: American Medical Systems, Inc. (Minnetonka, Minnesota, United States) (represented by: H. Kunz-Hallstein and R. Kunz-Hallstein, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 12 September 2003 (Case R 671/2002-4) relating to the opposition proceedings between AMS Advanced Medical Services GmbH and American Medical Systems, Inc.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders AMS Advanced Medical Services GmbH to pay the costs.*

(¹) OJ C 71, 20.3.2004.

Judgment of the Court of First Instance of 23 October 2007 — Borco-Marken-Import Mathiessen v OHIM (Caipi)

(Case T-405/04) (¹)

(Community trade mark — Application for the Community word mark Caipi — Absolute ground for refusal — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)

(2007/C 297/78)

Language of the case: German

Parties

Applicant: Borco-Marken-Import Mathiessen GmbH & Co KG (Hamburg, Germany) (represented by: M. Wolter, lawyer)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 6 August 2004 (Case R 912/2002-2) concerning the application for registration as a Community trade mark of the word sign Caipi.