

— at the statutory rate, calculated in accordance with Article 288 of the Bürgerliches Gesetzbuch (German Civil Code) without that rate exceeding 9,21 % from 1 February 2005 until the discharge of the debt.

2. Orders Environmental Management Consultants to pay the costs.

⁽¹⁾ OJ C 108, 6.5.2006.

Judgment of the Court of First Instance of 24 January 2008
— **Dorel Juvenile Group v OHIM (SAFETY 1ST)**

(Case T-88/06) ⁽¹⁾

(Community trade mark — Application for the Community word mark SAFETY 1ST — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)

(2008/C 64/55)

Language of the case: English

Parties

Applicant: Dorel Juvenile Group, Inc. (Canton, United States of America) (represented by: G. Simon, lawyer)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 11 January 2006 (Case R 616/2004-2) relating to an application for registration of the word mark SAFETY 1ST as a Community trade mark

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Dorel Juvenile Group, Inc. to pay the costs.

⁽¹⁾ OJ C 108, 6.5.2006.

Judgment of the Court of First Instance of 31 January 2008
— **Federación de Cooperativas Agrarias de la Comunidad Valenciana v CPVO**

(Case T-95/06) ⁽¹⁾

(Plant varieties — Appeal to the Board of Appeal of the Community Plant Variety Office — Inadmissibility — Lack of individual concern — Effective judicial protection — Obligation to state reasons)

(2008/C 64/56)

Language of the case: Spanish

Parties

Applicant: Federación de Cooperativas Agrarias de la Comunidad Valenciana (Valencia, Spain) (represented by: S. Roig Girbes, R. Ortega Bueno and M. Delgado Echevarría, lawyers)

Defendant: Community Plant Variety Office (CPVO) (represented by: M. Ekvad, acting as Agent, assisted by D. O'Keefe, Solicitor, J. Rivas de Andrés and M. Canal Fontcuberta, lawyers)

Other party to the proceedings before the Board of Appeal of CPVO intervening before the Court of First Instance: Nador Cott Protection SARL (Saint-Raphaël, France) (represented by: M. Fernández Mateos, S. González Malabia and M. Marín Bataller, lawyers)

Re:

Action brought against the decision of the Board of Appeal of CPVO of 8 November 2005 (Case A 001/2005) concerning the grant of a Community plant variety right in regard to the mandarin variety Nadorcott.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Federación de Cooperativas Agrarias de la Comunidad Valenciana to pay the costs.

⁽¹⁾ OJ C 131, 3.6.2006.