

**Operative part of the judgment**

The Court:

1. Dismisses the action.
2. Orders Radio Regenbogen Hörfunk in Baden Geschäftsführungs-GmbH to pay the costs.

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<sup>(1)</sup> OJ C 261, 28.10.2006.

**Order of the Court of First Instance of 19 May 2008 — TF1 v Commission**

(Case T-144/04) <sup>(1)</sup>

*(Action for annulment — Commission decision classifying certain measures adopted by the French Republic in favour of France 2 and France 3 as State aid compatible with the common market — Time-limit for instituting proceedings — Article 44(1)(c) of the Rules of Procedure — Inadmissibility)*

(2008/C 171/60)

Language of the case: French

**Judgment of the Court of First Instance of 21 May 2008 — Enercon v OHIM (E)**

(Case T-329/06) <sup>(1)</sup>

*(Community trade mark — Application for Community word mark E — Absolute grounds for refusal — Lack of distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)*

(2008/C 171/59)

Language of the case: German

**Parties**

*Applicant:* Enercon GmbH (Aurich, Germany) (represented initially by R. Böhm, and subsequently by R. Böhm and U. Sander, lawyers)

*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 First Board of Appeal of OHIM of 8 September 2006 (Case R 394/2006-1) concerning the registration of the word mark E as a Community trade mark.

**Operative part of the judgment**

The Court:

1. Dismisses the action.
2. Orders Enercon GmbH to pay the costs.

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<sup>(1)</sup> OJ C 326 of 30.12.2006.

**Parties**

*Applicant:* Télévision française 1 SA (TF1) (Nanterre, France) (represented by: J.-P. Hordies and C. Smits, lawyers)

*Defendant:* Commission of the European Communities (represented by: J. Bundía Sierra, N. Niejahr and C. Giolito, acting as Agents)

*Intervener in support of the form of order sought by the defendant:* French Republic (represented by: G. de Bergues, Agent)

**Re:**

Action for annulment of Commission Decision 2004/838/EC of 10 December 2003 on State aid implemented by France for France 2 and France 3 (OJ 2004 L 361, p. 21).

**Operative part of the order**

1. The action is dismissed.
2. Télévision française 1 SA (TF1) is ordered to bear its own costs and pay those of the Commission.
3. The French Republic shall bear its own costs.

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<sup>(1)</sup> OJ C 168, 26.6.2004.