

**Order of the Court of First Instance of 28 April 2009 —
Tailor v OHIM (Representation of a left pocket)**

(Case T-282/07) ⁽¹⁾

(Community trade mark — Application for Community figurative mark representing a left pocket — Absolute ground for refusal — Absence of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 — Action manifestly devoid of any legal basis)

(2009/C 153/75)

Language of the case: German

Parties

Applicant: Tom Tailor GmbH (Hamburg, Germany) (represented by: S.O. Gillert, K. Vanden Bossche and F. Schiwiek, 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 15 May 2007 (Case R 669/2006-1), concerning registration as a Community trade mark of a figurative sign representing a left pocket.

Operative part of the judgment

The Court:

1. Dismisses the action as manifestly devoid of any legal basis;
2. Orders Tom Tailor GmbH to pay the costs.

⁽¹⁾ OJ C 235, 6.10.2007.

**Order of the Court of First Instance of 28 April 2009 —
Tailor v OHIM (Representation of a right pocket)**

(Case T-283/07) ⁽¹⁾

(Community trade mark — Application for Community figurative mark representing a right pocket — Absolute ground for refusal — Absence of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 — Action manifestly devoid of any legal basis)

(2009/C 153/76)

Language of the case: German

Parties

Applicant: Tom Tailor GmbH (Hamburg, Germany) (represented by: S.O. Gillert, K. Vanden Bossche and F. Schiwiek, 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 15 May 2007 (Case R 668/2006-1), concerning registration as a Community trade mark of a figurative sign representing a right pocket.

Operative part of the judgment

The Court:

1. Dismisses the action as manifestly devoid of any legal basis;
2. Orders Tom Tailor GmbH to pay the costs.

⁽¹⁾ OJ C 235, 6.10.2007.

**Action brought on 30 January 2009 — Al Barakaat
International Foundation v Commission**

(Case T-45/09)

(2009/C 153/77)

Language of the case: Swedish

Parties

Applicant: Al Barakaat International Foundation (Spånga, Sweden) (represented by: L. Silbersky and T. Olsson, lawyers)

Defendant: Commission of the European Communities

Form of order sought

— Annul Commission Regulation (EC) No 1190/2008 in so far as it concerns the Al Barakaat International Foundation;

— order the Commission to pay the costs of the proceedings in an amount to be indicated later.

Pleas in law and main arguments

The applicant seeks the annulment of Commission Regulation (EC) No 1190/2008 of 28 November 2008 amending for the 101st time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, ⁽¹⁾ by virtue of which the applicant is to be placed on the list of persons and entities whose funds and economic resources are frozen in accordance with Regulation No 881/2002. ⁽²⁾ Regulation No 1190/2008 was adopted after the Court of Justice delivered its judgment of 3 September 2008 in Joined Cases C-402/05 P and C-415/05 P *Kadi and Al Barakaat International Foundation v Council and Commission* [2008] ECR I-0000, which annulled the previous list that included the applicant's name.

In support of its action the applicant relies on the following pleas in law: