

Judgment of the Court of First Instance (First Chamber) of 5 June 2008 — Internationaler Hilfsfonds v Commission

(Case T-141/05) ⁽¹⁾

(Action for annulment — Access to documents — Regulation (EC) No 1049/2001 — Partial refusal — Non-actionable measure — Merely confirmatory measure — Inadmissibility)

(2008/C 183/38)

Language of the case: German

Parties

Applicant: Internationaler Hilfsfonds eV (Rosbach, Germany) (represented by: H. Kaltenecker, lawyer)

Defendant: Commission of the European Communities (represented by: P. Costa de Oliveira, S. Fries and C. Ladenburger, Agents)

Re:

Application for annulment of the so-called decision contained in the letter of the Commission of 14 February 2005 refusing the applicant access to certain documents from the file regarding the contract LIEN 97-2011.

Operative part of the judgment

The Court:

1. Dismisses the action as inadmissible;
2. Orders Internationaler Hilfsfonds to pay its own costs and those of the Commission.

⁽¹⁾ OJ C 143 of 11.6.2005.

Judgment of the Court of First Instance of 10 June 2008 — Novartis v OHIM (BLUE SOFT)

(Case T-330/06) ⁽¹⁾

(Community trade mark — Application for Community word mark BLUE SOFT — Absolute grounds for refusal — Descriptive nature — Lack of distinctive nature — Article 7(1)(b) and (c) of Regulation No 40/94)

(2008/C 183/39)

Language of the case: German

Parties

Applicant: Novartis AG (Basel, Switzerland) (represented by: N. Hebeis, lawyer)

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

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 14 September 2006 (Case R 270/2006-1) concerning an application for registration of the word mark BLUE SOFT as a Community trade mark

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Novartis AG to pay the costs.

⁽¹⁾ OJ C 326, 31.12.2006.

Judgment of the Court of First Instance of 10 June 2008 — Gabel Industria Tessile SpA v OHIM — Creaciones Garel (GABEL)

(Case T-85/07) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark GABEL — Earlier Community figurative mark GAREL — Partial refusal of registration — Scope of the examination to be carried out by the Board of Appeal — Obligation to rule on the entirety of the action — Article 62(1) of Regulation (EC) No 40/94)

(2008/C 183/40)

Language of the case: Italian

Parties

Applicant: Gabel Industria Tessile SpA (Rovellasca, Italy) (represented by: A. Petruzzelli, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Montalto and L. Rampini, Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Creaciones Garel, SA. (Logroño, Spain)