

3. Dismisses the action.

4. Orders Powerserv Personalservice GmbH to pay the costs.

(<sup>1</sup>) OJ C 22, 28.1.2006.

**Judgment of the Court of First Instance of 21 October 2008 — Cassegrain v OHIM (Shape of a bag)**

(Case T-73/06) (<sup>1</sup>)

**(Community trade mark — Application for a Community figurative mark — Shape of a bag — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)**

(2008/C 313/50)

Language of the case: French

**Parties**

*Applicant:* Jean Cassegrain SAS (Paris, France) (represented by: Y. Coursin and T. van Innis, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 8 December 2005 (Case R 687/2005-2) concerning the registration of the figurative sign Shape of a bag as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Jean Cassegrain SAS to pay the costs.

(<sup>1</sup>) OJ C 108, 6.5.2006.

**Judgment of the Court of First Instance of 23 October 2008 — TIM and TTV v OHIM — PAST PERFECT**

(Case T-133/06) (<sup>1</sup>)

**(Community trade mark — Invalidity proceedings — Community word mark PAST PERFECT — Rejection of the application for a declaration of invalidity — Article 7(1)(b), (c) and (d) of Regulation (EC) No 40/94 — Article 7(2))**

(2008/C 313/51)

Language of the case: English

**Parties**

*Applicants:* TIM The International Music Company AG and TTV Tonträger-Vertrieb-2000 GmbH (Hamburg, Germany) (represented initially by J. Wendt and G. Kukuk, and subsequently by J. Wendt, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* Past Perfect Ltd (Bucknell, Oxfordshire, United Kingdom) (represented initially by S. Disraeli, and subsequently by K. Tinkler, Solicitors)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 3 February 2006 (Case R 150/2005-1), relating to invalidity proceedings between TIM The International Music Company AG and TTV Tonträger-Vertrieb-2000 GmbH, on the one hand, and Past Perfect Ltd, on the other.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders TIM The International Music Company AG and TTV Tonträger-Vertrieb-2000 GmbH to pay the costs.

(<sup>1</sup>) OJ C 154, 1.7.2006.