

COURT OF FIRST INSTANCE

Judgment of the Court of First Instance of 14 January 2009
— Kronoply v Commission

(Case T-162/06) ⁽¹⁾

(State aid — Regional aid for large investment projects — Decision declaring the aid incompatible with the common market — Statement of reasons — Incentive effect of the aid — Necessity of the aid)

(2009/C 55/38)

Language of the case: German

Parties

Applicant: Kronoply GmbH & Co. KG (Heiligengrabe, Germany) (represented by: R. Nierer and L. Gordalla, lawyers)

Defendant: Commission of the European Communities (represented initially by: K. Gross and T. Scharf, and subsequently by V. Kreuzschitz, K. Gross and T. Scharf, acting as Agents)

Re:

Application for annulment of Commission Decision 2006/262/EC of 21 September 2005 on State aid No C 5/2004 (ex N 609/2003) which Germany is planning to implement for Kronoply (OJ 2006 L 94, p. 50).

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Kronoply GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 212, 2.9.2006.

Judgment of the Court of First Instance of 21 January 2009
— giropay v OHIM (GIROPAY)

(Case T-399/06) ⁽¹⁾

(Community trade mark — Application for the Community word mark GIROPAY — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94)

(2009/C 55/39)

Language of the case: German

Parties

Applicant: giropay GmbH (Frankfurt am Main, Germany) (represented by: K. Gründig-Schnelle, lawyer)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 26 October 2006 (Case R 308/2005-4) concerning an application for registration of the word mark GIROPAY as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders giropay GmbH to pay the costs.

⁽¹⁾ OJ C 42, 24.2.2007.