

**Judgment of the Court of First Instance (Fifth Chamber) of 22 May 2008 —
Radio Regenbogen Hörfunk in Baden v OHIM (RadioCom)**

(Case T-254/06)

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

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications which may serve to designate the characteristics of goods (Council Regulation No 40/94, Art. 7(1)(c)) (see paras 40, 45, 48, 51, 54)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 7 July 2006 (Case R 1266/2005-1) concerning an application for registration of the word mark RadioCom as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	Radio Regenbogen Hörfunk in Baden Geschäftsführungs-GmbH
Community trade mark sought:	Word mark RadioCom for services in Classes 35, 38 and 41 — Application No 3986023
Decision of the examiner:	Registration refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

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

Order of the Court of First Instance (Eighth Chamber) of 2 June 2008 — WWF-UK v Council

(Case T-91/07)

(Action for annulment — Regulation (EC) No 41/2007 — Recovery of cod stocks — Setting of the TACs for 2007 — Measure of general application — Not affected individually — Inadmissibility)

1. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Regulation fixing for 2007 the total allowable catches for cod fishing in the areas covered by the regulation establishing measures for the recovery of cod stocks (Art. 230, fourth para., EC; Council Regulations Nos 423/2004 and 41/2007) (see paras 64-79)*
2. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Regulation fixing for 2007 the total allowable catches for cod fishing in the areas covered by the regulation establishing measures for the recovery of cod stocks (Art. 230, fourth para., EC; European Parliament and Council Regulation No 1367/2006; Council Regulations Nos 423/2004 and 41/2007; Council Decision 2005/370) (see paras 81, 82)*