

**Judgment of the Court of First Instance of 28 January 2009
— Germany v Commission**

(Case T-74/07) ⁽¹⁾

(ERDF — Reduction of financial assistance — Change to the financing plan without the consent of the Commission — Maximum rates of financing laid down for specific measures — Concept of significant change — Article 24 of Regulation (EEC) No 4253/88 — Duty to state the reasons on which the decision is based — Action for annulment)

(2009/C 69/83)

Language of the case: German

Parties

Applicant: Federal Republic of Germany (represented by: M. Lumma and C. Blaschke, acting as Agents, assisted by C. von Donat, lawyer)

Defendant: Commission of the European Communities (represented by: G. Wilms and L. Flynn, acting as Agents)

Re:

Action for annulment of Commission Decision C(2006) 7271 final of 27 December 2006 on the reduction of the period of the financial contribution of the European Regional Development Fund (ERDF) granted to the Operational Programme under the Community initiative INTERREG II in the Saarland, Lorraine and Western Palatinate regions in Germany.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Federal Republic of Germany to pay the costs.

⁽¹⁾ OJ C 95, 28.4.2007.

**Judgment of the Court of First Instance of 28 January 2009
— Volkswagen v OHIM**

(Case T-174/07) ⁽¹⁾

(Community trade mark — Application for Community word mark TDI — Absolute ground for refusal — Descriptive character — Lack of distinctive character acquired through use — Article 7(1)(c) and (3) of Regulation (EC) No 40/94 — Article 62(2) of Regulation (EC) No 40/94 — Article 74(1) of Regulation (EC) No 40/94)

(2009/C 69/84)

Language of the case: German

Parties

Applicant: Volkswagen AG (Wolfsburg, Germany) (represented by: S. Risthaus, H.-P. Schrammek, C. Drzymalla and R. Jepsen, lawyers)

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 7 March 2007 (Case R 1479/2005-1) concerning an application for registration of the word sign TDI as a Community trade mark

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Volkswagen AG to bear its own costs and to pay those of the Office for Harmonisation in the Internal Market (Trade Marks and Designs).

⁽¹⁾ OJ C 155, 7.7.2007.