

3. Orders Mr Economidis and the Commission to bear their own costs both in relation to the proceedings before the Civil Service Tribunal and before this Court;
4. Orders the European Parliament, the Council of the European Union and the Court of Auditors of the European Communities to bear their own costs.

<sup>(1)</sup> OJ C 95, 28.4.2007.

**Judgment of the Court of First Instance of 8 July 2008 — Lancôme v OHIM — CMS Hasche Sigle (COLOR EDITION)**

(Case T-160/07) <sup>(1)</sup>

**(Community trade mark — Invalidity proceedings — Community word mark COLOR EDITION — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 — Legal interest in bringing proceedings — Article 55 of Regulation No 40/94)**

(2008/C 209/88)

Language of the case: French

**Judgment of the Court of First Instance of 9 July 2008 — BYK v OHIM (Substance for Success)**

(Case T-58/07) <sup>(1)</sup>

**(Community trade mark — Application for the Community word mark Substance for Success — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)**

(2008/C 209/87)

Language of the case: German

**Parties**

*Applicant:* BYK-Chemie GmbH (Wesel, Germany) (represented by: J. Kroher and E. Hettenkofer, 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 Fourth Board of Appeal of OHIM of 9 January 2007 (Case R 816/2006-4) concerning an application for registration of the word sign Substance for Success as a Community trade mark

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders BYK-Chemie GmbH to pay the costs.

<sup>(1)</sup> OJ C 95, 28.4.2007.

**Parties**

*Applicant:* Lancôme parfums et beauté & Cie SNC (Paris, France) (represented by: E. Baud, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* CMS Hasche Sigle (Cologne, Germany)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 26 February 2007 (Case R 231/2006-2) concerning invalidity proceedings between CMS Hasche Sigle and Lancôme parfums et beauté & Cie SNC

**Operative part of the judgment**

*The Court:*

1. dismisses the action;
2. orders Lancôme parfums et beauté & Cie SNC to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs).

<sup>(1)</sup> OJ C 140, 23.6.2007.