

**Judgment of the Court of First Instance of 5 May 2009 —
ars Parfum Creation & Consulting v OHIM (Shape of a
spray bottle)**

(Case T-104/08) ⁽¹⁾

(Community trade mark — Application for a three-dimensional Community trade mark — Shape of a spray bottle — Relative ground for refusal — Lack of distinctive character — Obligation to state reasons — Articles 7(1)(b), 73 and 74(1) of Regulation (EC) No 40/94)

(2009/C 141/84)

Language of the case: German

Parties

Applicant: ars Parfum Creation & Consulting GmbH (Cologne, Germany) (represented by: A. Späth and G. Hasselblatt, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: R. Pethke, acting as Agent)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 8 November 2007 (Case R 1656/2006-1), relating to the registration as a Community trade mark of a three-dimensional sign consisting of the shape of a spray bottle

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders ars Parfum Creation & Consulting GmbH to pay the costs.*

⁽¹⁾ OJ C 107, 26.4.2008.

**Order of the Court of First Instance of 27 March 2009 —
Alves dos Santos v Commission**

(Case T-184/08) ⁽¹⁾

(European Social Fund — Training programmes — Reduction in the financial assistance initially granted — Application — Formal requirements — Manifest inadmissibility)

(2009/C 141/85)

Language of the case: Portuguese

Parties

Applicant: Rui Manuel Alves dos Santos (Alvaiázere, Portugal) (represented by: A. Marques Fernandes, lawyer)

Defendant: Commission of the European Communities (represented by: P. Guerra e Andrade and B. Kotschy, acting as Agents)

Re:

Application for annulment of the Commission's decision of 4 March 2004, notified to Rui Manuel Alves dos Santos on 3 March 2008, reducing the amount of financial assistance granted by the European Social Fund (ESF) in respect of a vocational training programme submitted by the Portuguese authorities in file No 89 0488 P1

Operative part of the order

1. *Dismisses the action;*
2. *Orders Rui Manuel Alves dos Santos to pay the costs.*

⁽¹⁾ OJ C 209, 15.8.2008.

**Order of the Court of First Instance of 22 April 2009 —
Bundesverband Deutscher Milchviehhalter and Others v
Council**

(Case T-217/08) ⁽¹⁾

(Action for annulment — Regulation (EC) No 248/2008 — Milk quota scheme — Increase in national milk quotas — Applicants not individually concerned — Inadmissible)

(2009/C 141/86)

Language of the case: German

Parties

Applicants: Bundesverband Deutscher Milchviehhalter eV (Bonn, Germany); Romuald Schaber (Petersthal, Germany); Stefan Mann (Eberdorfergrund, Germany); and Walter Peters (Körchow, Germany) (represented by: W. Renner and O. Schniewind, lawyers)

Defendant: Council of the European Union (represented by: M. Moore and Z. Kupčová, acting as Agents)

Intervener in support of the applicants: Commission of the European Communities (represented by: H. Tserépa-Lacombe and M. Vollkommer, acting as Agents)

Re:

Application for annulment of Council Regulation (EC) No 248/2008 of 17 March 2008 amending Regulation (EC) No 1234/2007 as regards the national quotas for milk (OJ 2008 L 76, p. 6).

Operative part of the order

1. *The action is dismissed.*
2. *The Bundesverband Deutscher Milchviehhalter eV, Romuald Schaber, Stefan Mann and Walter Peters are ordered to bear their own costs and to pay those incurred by the Council.*
3. *The Commission is ordered to bear its own costs.*

⁽¹⁾ OJ C 209 of 15.8.2008.