

**Judgment of the Court of First Instance of 3 May 2006 —
Eurohypo v OHIM (EUROHYPO)**

(Case T-439/04) ⁽¹⁾

(Community trade mark — Word mark EUROHYPO — Absolute grounds for refusal — Article 7(1)(b) of Regulation (EC) No 40/94 — Examination of the facts by the Board of Appeal of its own motion — Article 74(1) of Regulation No 40/94 — Admissibility of facts submitted for the first time before the Court of First Instance)

(2006/C 154/42)

Language of the case: German

Parties

Applicant: Eurohypo AG (Eschborn, Germany) (represented by: M.Kloth and C.Rohnke, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. von Mühlendahl and J. Weberndörfer, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 6 August 2004 (Case R 829/2002-4) concerning the registration of the word mark EUROHYPO as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders the applicant to pay the costs.

⁽¹⁾ OJ C 45, 19.2.2005

**Order of the Court of First Instance of 25 April 2006 —
Kreuzer Medien v Parliament and Council**

(Case T-310/03) ⁽¹⁾

(Action for annulment — Directive 2003/33/EC — Natural or legal persons — Standing to bring proceedings — Inadmissibility)

(2006/C 154/43)

Language of the case: German

Parties

Applicant: Kreuzer Medien GmbH (Leipzig, Germany) (represented: initially by U. Kornmeier and D. Valbert, and subsequently by M. Lenz, lawyers)

Defendants: European Parliament (represented by: E. Waldherr and U. Rösslein, Agents) and Council of the European Union (represented by: E. Karlsson, Agent)

Intervener in support of the applicant: Falstaff Verlags-Gesellschaft mbH (Klosterneuburg, Austria) (represented by: W.-G. Schärf, lawyer)

Interveners in support of the defendants: Commission of the European Communities (represented by: M.-J. Jonczy, L. Pignataro-Nolin and F. Hoffmeister, Agents), Kingdom of Spain (represented by: L. Fraguas Gadea, Agent) and Republic of Finland (A. Guimaraes-Purokoski, T. Pynnä and E. Bygglin, Agents)

Re:

Application for annulment of the wording of Article 3(1) of Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (OJ 2003 L 152, p. 16)

Operative part of the order

1. The action is dismissed as inadmissible.
2. The applicant shall bear its own costs and pay those incurred by the Parliament and the Council.
3. The Kingdom of Spain and the Commission shall bear their own costs, including those relating to the application for interim measures before the Court of First Instance.
4. The Republic of Finland shall bear its own costs.

5. Falstaff Verlags-Gesellschaft mbH shall bear its own costs, including those relating to the application for interim measures before the Court of First Instance.

(¹) OJ C 289, 29.11.2003.

**Order of the Court of First Instance of 28 March 2006 —
Mediocrurso v Commission**

(Case T-451/04) (¹)

**(Action for failure to act — Compliance with a judgment of
the Court of Justice — Adoption of implementing measures
during the proceedings — No need to adjudicate)**

(2006/C 154/44)

Language of the case: Portuguese

Parties

Applicant: Mediocrurso — Estabelecimento de Ensino Particular, Lda (Lisbon, Portugal) (represented by: C. Botelho Moniz and E. Maia Cadete, lawyers)

Defendant: Commission of the European Communities (represented by: P. Andrade and A. Weimar, Agents)

Re:

Action for failure to act seeking a declaration that the Commission unlawfully failed to adopt the measures needed to comply with the judgment in Case C-462/98 P *Mediocrurso v Commission* [2000] ECR I-7183

Operative part of the order

1. There is no longer any need to adjudicate on the present action.
2. The Commission shall bear its own costs and pay those incurred by Mediocrurso — Estabelecimento de Ensino Particular, Lda.

(¹) OJ C 19, 22.1.05.

**Order of the President of the Court of First Instance of 25
April 2006 — Componenta v Commission**

(Case T-455/05 R)

**(Interim measures — Application for suspension of operation
— State aid — Urgency)**

(2006/C 154/45)

Language of the case: Finnish

Parties

Applicant: Componenta Oyj (Helsinki, Finland) (represented by: M. Savola, lawyer)

Defendant: Commission of the European Communities (represented by: C. Giolito and M. Huttunen, Agents)

Intervener in support of the applicant: Republic of Finland (represented by: E. Bygglin, Agent)

Re:

Application for suspension of operation of Commission Decision C(2005) 3871 final of 20 October 2005 on State aid C 37/2004 (ex NN 51/2004) granted by the Republic of Finland to Componenta Oyj

Operative part of the order

1. The application for interim measures is dismissed.
2. The costs are reserved.

Action brought on 13 April 2006 — Oakley v OHIM

(Case T-116/06)

(2006/C 154/46)

Language in which the application was lodged: English

Parties

Applicant: Oakley, Inc. (Foothill Ranch, USA) (represented by: Michaela Huth-Dierig, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Venticinque Ltd (Hailsham, United Kingdom)