

**Judgment of the Court of First Instance of 8 March 2007**  
**— France Télécom v Commission**

(Case T-340/04) <sup>(1)</sup>

*(Competition — Decision ordering an inspection — Loyal cooperation with the national courts — Loyal cooperation with the national competition authorities — Article 20(4) of Regulation (EC) No 1/2003 — Statement of reasons — Proportionality — Fresh plea in law — Inadmissible)*

(2007/C 95/77)

Language of the case: French

**Parties**

*Applicant:* France Télécom SA, formerly Wanadoo SA (Paris, France) (represented by: C. Clarenc and J. Ruiz Calzado, lawyers)

*Defendant:* Commission of the European Communities (represented by: É. Gippini Fournier and O. Beynet, Agents)

**Re:**

Annulment of Commission Decision C (2004) 1929 of 18 May 2004 in Case COMP/C-1.38.916 ordering French Télécom SA and all undertakings which it controls directly or indirectly, including Wanadoo SA and all undertakings controlled directly or indirectly by Wanadoo SA, to submit to an inspection pursuant to Article 20(4) of Council Regulation (EC) No 1/2003 of 16 December 2003 on the implementation of the rules on competition laid down in Articles 81 [EC] and 82 [EC] (OJ 2003 L 1, p. 1).

**Operative part of the judgment**

*The Court:*

1. Dismisses the application;
2. Orders the applicant to pay the costs.

<sup>(1)</sup> OJ C 262, 23.10.2004.

**Judgment of the Court of First Instance of 6 March 2007**  
**— Golf USA v OHIM (GOLF USA)**

(Case T-230/05) <sup>(1)</sup>

*(Community trade mark — Application for the Community word mark GOLF USA — Absolute grounds for refusal — Descriptive character — Lack of distinctive character)*

(2007/C 95/78)

Language of the case: English

**Parties**

*Applicant:* Golf USA Inc., established in Oklahoma City, Oklahoma (United States)) (represented by: A. de Bosch Kemper-de Hilster, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Laitinen and G. Schneider, agents)

**Re:**

Action against the decision of the Second Board of Appeal of (OHIM) of 25 April 2005 (R 823/2004-2) refusing the application to register the word mark GOLF USA

**Operative part of the judgment**

*The Court:*

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

<sup>(1)</sup> OJ C 205, 20.8.2005.

**Judgment of the Court of First Instance of 22 March 2007**  
**— Carsten Brinkmann v OHIM — Terra Networks (Terranus)**

(Case T-322/05) <sup>(1)</sup>

*(Community trade mark — Opposition procedure — Application for Community word mark Terranus — Earlier Community and national figurative mark terra — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation No 40/94)*

(2007/C 95/79)

Language of the case: German

**Parties**

*Applicant:* Carsten Brinkmann (Cologne, Germany) (represented by K. van Bebber, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by T. Eichenberg and subsequently by G. Scheider, Agents)

*Other party to the proceedings before the Board of Appeal of OHIM:* Terra Networks, SA (Pozuelo de Alarcón, Spain)